GENERAL RULES

AND

CIRCULAR ORDERS

OF THE

HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL

(APPELLATE SIDE, CRIMINAL).

CALCUTTA:
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1883.

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PREFACE TO THE EDITION OF 1881.

THE following pages contain, in a codified form, all the Criminal Rules and Orders of the High Court (including those of the late Sudder Court) which have not been specifically cancelled, or omitted by express order.

The procedure adopted by me, in making a collection of the extant Rules and Orders, has been as follows :—

I have gone carefully, and more than once, through the complete files, kindly lent me by the Registrar for the purpose, omitting only those orders which have been expressly cancelled, and making a collection of the remainder. This, with respect to the Rules and Orders of the (present) High Court.

The circulars of the late Sudder Court have been similarly collected from the editions of Messrs. Carrau and Ledlie, there being no complete chronological file of these obtainable.

I have further consulted the editions of Mr. (now Mr. Justice) Field, and of Mr. Geddes.

These collections of Rules and Orders, from 1799 up to date, were then submitted to Mr. Justice Maclean and Mr. Justice Field, under whose directions a considerable number were eliminated as being either obsolete

or unnecessary. I have not (intentionally) omitted one single circular on my own authority.

The arrangement of the circulars into chapters and under the various headings has been made under the instructions of Mr. Justice Field. The more recent circulars, issued during the vacation and in Mr. Justice Field's absence from Calcutta, have been classified according to the Honourable Judge's scheme, and under the supervision of Mr. Justice Maclean.

As several instances occur in which the same subject is dealt with in different chapters, according to the nature of the orders issued, I have endeavoured to make the Alphabetical Index, as well as the Table of Contents, as copious as possible.

C. A. WILKINS.

CALCUTTA,
The 1st February 1881.

PREFACE TO THE PRESENT EDITION.

THE Criminal Procedure Code having been passed as Act X of 1882, it has become necessary to alter all the references to sections in the Criminal Rules and Orders.

The collection of Rules and Orders compiled in 1881 followed the lines of section 292, Act X of 1872, and was divided into chapters corresponding to the paragraphs of that section. But, although all the Rules, &c., passed under the former Code, are preserved by section 2, clause 2nd of the new Code, yet the High Court are specially authorised, by section 553 of the latter, to make rules on one subject only, *viz.*, the inspection of records of Subordinate Courts.

Any future Rules, therefore, that may have to be made on other subjects, must be made specifically under section 15 of the Charter Act, 24 & 25 Vic., cap. 104, and must receive the sanction of the Governor General in Council. The contents of the present edition have consequently been arranged according to that section.

C. A. WILKINS,
Offg. Registrar

HIGH COURT,
The 19th November 1883.

BENGAL SECRETARIAT LIBRARY

CHRONOLOGICAL INDEX

TO

THE RULES AND ORDERS

QUOTED WITHIN.

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INSTRUCTIONS.

All Circulars which are intended to be permanent will be in the form in which they will appear in the Codes of Rules and Orders. These should be filed in the office, as heretofore, in chronological order.

A sheet will be issued every month, giving all the corrections and addenda for the preceding month. This sheet, being printed on one side of the paper only, should be cut up in the office and the slips inserted in their proper places in the Codes.

All matters of temporary interest or importance, or which are not to be inserted in the edition of codified Circulars, will issue in the form of "General Letters."

In future, when making any reference to the Court's Circulars, officers should quote, not the number and date of the Circular itself, but the Chapter, Rule, paragraph, and page in the new compilations, stating whether the Civil or Criminal volume is referred to, *e.g.*, Chapter VI, Rule 12 (*c*), page 113, Cr. R & O. (*G. L. No. 7 of 2nd April 1881*).

CHAPTER I.[1]

GENERAL RULES FOR REGULATING THE PRACTICE AND PROCEEDINGS OF SUBORDINATE COURTS—(*24 & 25 Vic., Cap. 104, Section 15*).

PROCEDURE CODE.

1. (*a*) [*Section 164, C. C. P.—Instructions regarding the recording of Confessions—C. O. No. 3 of 24th March 1880.*]—It is desirable that Magistrates should act with deliberation in examining persons brought before them for the purpose of making confessions, and should, as far as possible, satisfy themselves that the confession is voluntary—and this, not merely from the declaration of the accused, but from an attentive observation of his demeanour.

(*b*) [*Police Officer who brought the Prisoner not to be present or to suggest questions—C. M. No. 7 of 30th July 1873.*]—It is not proper to allow the Police officer who brought the prisoner to be present while the confession is being recorded by a Mohurrir and to suggest questions to be put to the confessing prisoner.

2. [*Section 200, C. C. P.—Complaints how to be dealt with.*]—(*a*) [*C. O. No. 4 of 25th February 1873.*]—The examination of the complainant is not to be a *mere form*, but an intelligent inquiry into the subject-matter of the complaint, carried far enough to enable the Magistrate to exercise his *judgment* as to whether there is or is not sufficient ground for proceeding.

(*b*) [*C. O. No. 6 of 16th May 1864.*]—The Magis-

[1] Subjects in this chapter are arranged as follows: *first*, Procedure Code; *secondly*, other matters in alphabetical order.

trate is bound to receive all complaints, whether they be preferred orally or in writing.

3. [*Chapter XXVIII, C. C. P.—General Instructions regarding Warrants.*]—(*a*) [*C. O. No. 6 of 23rd February 1870.*]—A separate warrant should be issued in the case of each prisoner.

(*b*) [*C. O. No. 10 of 27th August 1873.*]—Warrants of imprisonment directed to Superintendents of District Jails should be in the English language, and warrants directed to the keepers of sub-divisional lock-ups should issue in the vernacular, except where the sentence is for imprisonment of a longer term than 15 days, in which case the warrants issued by Sub-divisional Authorities should, if possible, be in English.

(*c*) [*C. O. No. 12 of 28th November 1873.*]—In all cases where the accused is a soldier or person holding any rank in the army, the warrant for detention or imprisonment shall set forth accurately the rank of the prisoner and the Regiment or Military Department to which he belongs.

(*d*) [*C. O. No. 1 of 9th February 1880.*]—The warrant to be sent to the officer in charge of the jail under section 385 shall set out in full the sentence passed. So far as the sentence is for imprisonment, the Jailor shall give effect to it according to the terms of the warrant. Such portion of the sentence as directs imprisonment in default of payment of fine shall be carried into effect by the Jailor subject to the provisions of sections 68 and 69 of the Penal Code. It is not the duty of the Jailor to levy a fine, nor can he be required to receive it. The levy of a fine imposed by a Sessions Judge by distress and sale of the property of the accused is to be made under a special warrant issued for that purpose only under section 386, and not under a

duplicate of the warrant sent to the Jailor under section 385.

(*e*) [*Certain information to be attached to all Warrants of Commitment—Rule No. 7 of the 15th June 1881.*]—Every Magistrate, when committing a prisoner to jail, shall attach to the warrant of commitment a note in the following form. When the prisoner is sentenced by a Court superior to that of a Magistrate, the District Magistrate must arrange that this note be made by a competent officer, and be attached to the warrant.

Form[1] *to be attached to all Warrants of Commitment.*

Address.	Character.	Previous Occupation.	Circumstances under which convicted.	Whether Sentence appealable or not.	Other Charges pending against Prisoner, with law and section.	Former Convictions.			
						Date.	By whom convicted.	Offence (law and section).	Sentence.
						1 ...			
						2 ...			
						3 ...			

[1] Procurable from the Superintendent of Stationery. This form should be in the same language as the warrant to which it is attached.—(*H. C. 1430, 1881.*)

LANGUAGE TO BE USED IN COURT.

4. [*When Advocate may address Court in English—C. O. No. 4 of 15th March 1869.*]—With the permission of the Presiding Judge or Magistrate, any Advocate or Pleader may address the Court in English, when any one of the Pleaders on the opposite side is acquainted with that language, or whenever the senior of such Pleaders or his client consents to this being done.

LUNATICS.

5. [*Chapter XXXIV, C. C. P.—Finding, what to*

state—C. O No. 22 of 10th December 1864.]—It is necessary that the finding under section 470, C. C. P., should state specially whether the accused committed the act charged or not, if he be acquitted on the ground that, at the time at which he is charged to have committed the offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act charged, or that he was doing what was wrong or contrary to law.[1] In some instances the Judges have found the prisoner *guilty* of the offence charged, and then acquitted him on the ground of insanity, thus including two opposite verdicts in one and the same finding, a contradiction arising from a want of attention to the words of the law.

6. [*Form of Finding—Letter No. 955 of 17th August 1867.*]—The following is suggested as a suitable form of finding of acquittal on the ground of insanity:—

"The Court, concurring with the Assessors, finds that ( ) did kill ( ) by striking him on the head with a club, but that, by reason of unsoundness of mind, he was incapable of knowing that he was doing an act which was wrong or contrary to law, and that he is not therefore guilty of the offence specified in the charge, *viz.*, and the Court directs that the said ( ) be acquitted, and that under the provisions of section 471, Criminal Procedure Code, the said ( ) be kept in safe custody in the pending the orders of the Local Government."

WARRANTS.

7. [*Particulars of Convict's abode to be given in Warrants—G. L. No. 3 of 14th August 1883.*]—When filling

[1] Magistrates and Sessions Judges should report such cases direct to Government. (*See Bengal Government Circular No. 84, dated 18th October 1870.*) Pending a reference to Government, the lunatic should be detained either in the Jail-hospital or in the Lunatic Asylum, where there is one, at the discretion of the Magistrate.—(*Ibid, No. 48 of 12th August 1871.*)

in all warrants of commitment under the Code of Criminal Procedure, Act X of 1882, Judicial officers should note, not only the Village, Pergunnah, and District, but also the Police-station in the jurisdiction of which the convict resides.

WITNESSES.

8. [*Rules for Examination of Complainants and Witnesses—C. O. No. 6 of 16th May 1864.*]—As regards the examination of complainants, witnesses, or persons accused of the commission of any offence under enquiry or trial before a Criminal Court, the following Rules should be strictly observed in every case by Magistrates and Sessions Judges:—

(*a*) Every witness shall be examined *vivâ voce* in open Court.

(*b*) A Magistrate or Judge shall not be engaged in any other business whilst the examination of a witness is going on, or whilst any documentary evidence is being read.

(*c*) If, after the examination of a witness has commenced, the Magistrate or Judge is compelled to attend to any other business, the examination of the witness shall be suspended as long as such other business is being attended to.

(*d*) The examination of a witness shall not be interrupted for the purpose of enabling the Magistrate or Judge to attend to other business, unless such business is of an urgent nature.

(*e*) It shall be the duty of every Appellate Court subordinate to the High Court to examine the Memorandum of the evidence made by the Subordinate Court, and to report to the High Court cases in which it shall appear that the above Rules have not been strictly and properly attended to.

(*f*) The evidence of every witness shall invariably be recorded in the presence of the Officer who may decide the case, except in the cases provided for by sections 349 and 350 of the Code of Criminal Procedure, in which the re-calling and re-examination of the witnesses is optional with the superior Magistrates. No more than one deposition should be written on each sheet of paper.

(*g*) After the examination of witnesses has commenced, the trial or preliminary enquiry under Chapter XIII of the Code of Criminal Procedure should be proceeded with until all the witnesses in attendance have been examined, those for the prosecution being first examined; and if any witness be detained for a longer period than two days, the Magistrate should record a Memorandum stating the reasons of such detention

(*h*) When it is deemed necessary to adjourn the hearing of a case, the adjournment shall be for as short a time as possible, and no person accused of any offence shall be remanded to custody for any period exceeding fifteen days (section 344, C. C. P.).

(*i*) Every Sessions Judge and Magistrate shall sit daily and punctually at the hour appointed for the opening of his Court, unless prevented by circumstances which are to be recorded in the proceedings of the Court.

9. [*Witnesses not to be kept waiting—C. O. No. 12 of 27th November 1865.*]—(*a*) The evidence of witnesses should invariably be recorded as soon as possible after their attendance. If from unavoidable causes an adjournment is indispensable, there should be no unnecessary delay. Witnesses remaining over from one day should, as a rule, be examined at the first sitting of the Court on the following day. By this means the public will be put to no inconvenience, and justice will be administered in a prompt and satisfactory manner.

(*b*) Chief Magistrates of districts should carefully supervise the returns of their subordinates, as they will be held responsible for the correction of irregularities, the prompt discharge of witnesses, and the early completion of all trials

10. [*Particulars to be recorded for the Identification of Witnesses—C. O. No 19 of 17th September 1864.*]—All Magisterial Officers shall, in the examination of prosecutors, witnesses, and prisoners, record in each deposition, statement, or defence the following particulars, which are indispensably necessary for the future identification of the parties examined, *viz.*, the name of the person examined, the name of his or her father, and if a married woman, the name of her husband, the religion, caste, profession, and age of the party or witness, and the Village and Pergunnah in which he or she resides.

11. [*Particulars for the Identification of Prisoners—C. O. No. 135 of 22nd February 1833.*]—Attention must be paid to correctness and uniformity in the manner of spelling the names of prisoners in the record of evidence. This is a point of great importance, and should meet with particular attention. Where several prisoners bearing the same or similar names are included in one trial, care should be taken, in recording the evidence given by each witness, to specify the name of the father of the person charged, whenever the name of any one of them is mentioned. Very serious inconvenience has resulted from the neglect of this precaution.

12. [*Particulars as to recording Evidence of Witnesses where the meaning is doubtful—C. O. No. 9 of 20th August 1865.*]—(*a*) In depositions in which there may be any doubt as to the exact meaning of any expression used, and in which the doubtful expression has

an important bearing on the offence with which the prisoner is charged, the Court would suggest the expediency of transcribing, in Roman characters, the words actually used, in order that the Court may be in a position, on the matter coming before it, without fear of error, to determine on their exact signification, and, in consequence, to give them their due and proper weight.

(*b*) Should any instance occur in which a foreign language is used, or in which the evidence may be delivered in a dialect to which a Judge may be unaccustomed, an Interpreter should be employed (see section 543 of the Code of Criminal Procedure, and section 5 of Act X of 1873).

13. [*Dying Depositions—C. O. No. 47 of 31st July 1857.*]—When any person whose evidence is essential to the conviction of a prisoner charged with the commission of a crime, may be in imminent danger of dying before the case comes to trial, the deposition of the dying person should, if possible, be recorded in the presence of the accused or of attesting witnesses,[1] and in the event of his death submitted at the trial with evidence of this fact.

[1] The dying statement of a deceased person must have been taken in the presence of the accused; if not so taken, the writing cannot be admitted to prove the statement made. The statement may be proved in the ordinary way by a person who heard it, and the writing may be used for the purpose of refreshing the memory of the witness who recorded the statement.—(*Emp. v. Samiruddin, I. L R. 8 Cal. 211.*)

CHAPTER II.[1]

GENERAL RULES CALLING FOR RETURNS AND PRESCRIBING FORMS FOR PROCEEDINGS IN SUBORDINATE COURTS.—*(24 & 25 Vic., Cap. 104, Section 15.)*

ANNUAL REPORTS.

I. [*Instructions regarding Annual Reports—C. O. No. 5 of 14th October 1879.*]—(*a*) Sessions Judges and District Magistrates shall submit to the High Court, along with the Annual Statements, a Report for the year to which they refer, upon the Administration of Criminal Justice. The forms numbered 17 to 26[2] shall be incorporated in their Reports by Sessions Judges, and those numbered 15 to 26[2] in their Reports by District Magistrates. Much difficulty has been hitherto caused by the neglect of Sessions Judges to secure a correspondence between the figures given in the Tables in the body of their Reports and those contained in the Annual Statements submitted by them. Those Officers and District Magistrates are expected in future to see that no such discrepancies occur.

(*b*) The Court does not consider it necessary to prescribe the use of any particular form of Report; but the Report, in whatever form, should contain such remarks as suggest themselves on a consideration of the figures entered in the statements. Any great variation between the results exhibited for the year under report and for the

[1] Subjects under this chapter are arranged as follows: *first*, Periodical Returns; *second*, Forms under the Procedure Code; *third*, Forms under other Acts.

[2] *i.e.*, of the Annual Statements (*vide* Forms of Periodical Statements, pp. 17 & 18).

previous year should receive notice and be explained, if possible.

(*c*) Amongst other matters, the following must be noticed in the Report :—

The condition of the record-room, which must be ascertained by careful personal enquiry, and not from the mere report of the record-keeper.

The extent to which effect has been given to the rules regarding the arrangement of the records in the course of the trial and to the rules regarding the destruction of useless records.

The working of the rules under the Court Fees Act.

The effect of recent legislation on the working of the Criminal Courts.

(*d*) Reports are not now required on the character, qualification, and official merits of the several subordinate Magisterial Officers. This is not, however, to debar District Magistrates or Sessions Judges from recording in their Administration Reports any instance of special and distinguished merit on the part of any officer which they consider deserving of special mention and which may entitle the person indicated to the favourable notice of the Court or of Government.

STATEMENTS.

2. [*General Instructions regarding Periodical Statements—C. O. No. 5 of 14th October 1879.*]—(*a*) The forms of Periodical Statements, entered in the list annexed,[1] are prescribed for adoption in future by the Criminal Courts shown against each. On the forms themselves some instructions for observance will be found, and the following general instructions are also issued, in order to secure the correct and uniform preparation of the Statements.

[1] *Vide* pp. 17 & 18.

(*b*) When possible, printed forms should be used for the preparation of Periodical Statements. The practice of extending the printed forms by pasting sheets of paper on them should be avoided. As many separate printed forms as may be necessary to contain the information required should be used.

For reports and explanations, where these have to be separately written, foolscap paper should be used.

When a Statement is blank, it should not be submitted, a note to that effect being sufficient.

(*c*) Where the figures given in any return differ from those given for the same period in any returns previously submitted, explanation should always be offered to avoid the necessity for a reference in the matter. Much correspondence will also be rendered unnecessary if, before submission, figures entered in the Annual Statements are compared with those in the Court's printed Report for the previous year.

(*d*) Officers having work in more departments than one should always note in their returns how their time was apportioned between the various departments. This is necessary to enable the Court to judge whether the work done is sufficient, and to admit of the officer's salary being correctly apportioned in the annual returns between the various departments.

(*e*). Monthly and Quarterly Statements should be despatched by Subordinate Courts to the District Magistrate on or before the 3rd of the month next succeeding the period to which they relate, and Annual Statements on or before the 15th day of the new year.

(*f*) Quarterly Statements should be submitted by District Magistrates and Sessions Judges to the High Court on or before the 15th of the month next succeeding the period to which they relate, and Annual

Statements along with the Annual Report on the Administration of Criminal Justice on or before the 15th February of each year. The punctual despatch of correct Statements is an important duty, the neglect of which will not be overlooked by the Court.

The periodical Statements have now been brought into accordance with each other as far as possible, and if due attention is given, during the course of the year, to the collecting of materials for the Annual Statements, the delay of which the High Court Judges have had so frequently to complain, should not occur in the preparation of these returns in a correct form.

(*ff*)[1] The High Court insist especially on the punctual submission of the Annual Statements and Annual Report. Owing to the extreme delay and inconvenience which have constantly resulted from the remissness of District Officers in not submitting these returns in due time, and from the carelessness and inaccuracy which have necessitated frequent references before correct figures could ultimately be obtained from some districts, the High Court are compelled to state distinctly that any officer who may in future fail to comply with these orders will be reported to Government, in order that some serious notice may be taken of his conduct.

(*g*) It is not intended that any case should be entered in the returns as received or disposed of by transfer, unless the transfer was from one district to another, or from one kind of Court to another,—as, for example, from a Civil or Revenue Court under section 482 of the Criminal Procedure Code. A note should always be made in the column of remarks of the number, if any, of cases and persons transferred to, or received from, places outside the jurisdiction of the High Court, as this

[1] This clause was inserted by Rule No. 11 of 12th December 1881.

information is required in order to the compilation of the returns for the whole Province.

(*h*) The columns headed "Referred" and "Received on Reference" are meant to exhibit cases in which an enquiry or trial has been held, and the proceedings of the Court are submitted for confirmation by, or the orders of, a higher tribunal; for example, cases submitted by Subordinate Magistrates under sections 347 and 349, by Deputy Commissioners under section 34, by District Magistrates, &c., under section 123, by Assistant Sessions Judges under section 31, by Sessions Judges under sections 307 and 374 of the Criminal Procedure Code. Mere references for trial under section 192 are not to be entered in these columns, nor in the columns exhibiting transfers; they are to be entered against the Court which decided them, and not against the Court which may have merely received the complaint.

(*i*) A case is regarded as coming on the file of the receiving Court from the date of commitment, reference, or order of transfer. As the annual returns of the District Magistrate will not now be submitted to the Court through the Sessions Judge, it is necessary, in order to avoid correspondence, that the former officer should report to the latter, as soon after the close of the year as possible, the number of persons to be entered in the district returns as committed or referred to the Court of Session.

(*j*) Cases of the kind alluded to above, in which the proceedings of one Court are submitted for the confirmation or orders of another, will, like cases committed to the Sessions, find entry in the returns of both Courts. The persons concerned will appear in the returns of the referring Courts, not as convicted, but as "referred." In the returns of the Courts receiving the references

they will be shown as convicted, acquitted, &c., according to the result of the reference in each case, or as "pending," if orders have not been passed on it.

(*k*) Annual Statement No. 2 is intended to show the final results of trial, and it is, therefore, necessary that the Magistrates who have to prepare it should be apprised of the results of commitments to the Courts of Session. Section 373 requires Sessions Judges to forward to the District Magistrate a copy of the finding in each case. They shall also, at the close of each Sessions, return to the Magistrate of the District concerned the calendar of accused persons submitted by him, after filling up column 9, so as to show the orders of the Court of Session passed with respect to each person entered in it.

(*l*) Apart from certain miscellaneous proceedings under the Criminal Procedure Code, the returns have reference to judicial work alone, the High Court having no supervision of police work in any shape. Appeals from orders of the District Superintendent of Police, which are heard by the Magistrate in his executive capacity, are to be excluded from the returns. So also are fines on ministerial officers for neglect of duty.

(*m*) No person who has not appeared personally or by agent in Court is to be included in the returns; but all persons who have appeared, whether in obedience to summons, warrant, or other process, or voluntarily, to answer a criminal charge should be shown as under trial.[1] Persons discharged from bail taken under sec-

[1] Cases of escaped prisoners should not be shown as pending on the files. On their re-capture, their cases will be entered as new cases (*H. C. Resolution E. C., December 1867, and No. 84, 1880*).

Witnesses examined by Magistrates in Court in preliminary enquiries under sections 202 and 476, Act X of 1882, need not be included in the periodical returns, the existing forms not contemplating them (*H. C. 779 of 1883*).

tion 169, without appearing before a Magistrate, should not be entered in the returns. In calculating the duration of cases before the Magistrate, time must be counted from the date of the apprehension of the accused or of his appearance in Court, whichever was the earlier. In the Courts of Session the time will count from the date of the commitment of the accused.

(*n*) District Magistrates are required to maintain a watchful and intelligent control over the proceedings of their subordinates, and to inform themselves thoroughly, from time to time, of the mode in which business is transacted by them. In particular, they are expected to secure circumspection in the issue of warrants and summons, and to see that business is transacted with due despatch.

(*o*) Both Magistrates and Judges are required to see that the Statements are prepared neatly as well as correctly, in respect of the entries made, and that they are not disfigured by slovenly or bad writing. When such defects occur, the Statements will be liable to be returned.

(*p*) The column of remarks should contain the mention of any cases or particulars which do not appear to be fairly provided for in other columns, and should also contain brief explanations of any noticeable results appearing on the face of the returns, especially of such as, if unexplained, might lead to erroneous conclusions; in short, any comments which will tend to throw light upon the figures.

[*Forms of Periodical Statements prescribed for use by the Criminal Courts.—C. O. No. 5 of 14th October 1879.*]

Index Numbers of forms.	Subject of Statement.	By what Courts to be prepared and submitted.	To what Courts to be submitted	REMARKS.
1	Notice of commitment	Committing Officers	Sessions Judge through the District Magistrate.	
2	Calendar of accused persons for trial before the Courts of Session.	District Magistrate	Sessions Judge.	
3	Statement of accused persons tried or brought before the Court of Session.	Sessions Judges	High Court.	
	MONTHLY.			
4	State of the files in the Courts of the Magistrates.	Subordinate Magistrates.	District Magistrates.	
	MONTHLY AND QUARTERLY.			
5	Statement of persons tried and of cases disposed of in the Courts of Subordinate Magistrates.	Subordinate Magistrates.	District Magistrates.	
	QUARTERLY.			
6	Business Statement for Magistrates' Courts.	District Magistrates.	High Court.	
7	Business Statement for Courts of Session.	Additional Sessions Judges. Sessions Judges.	Sessions Judges. High Court.	
	ANNUAL.			
8	List of Judicial Divisions, &c.	Additional Sessions Judges. Sessions Judges. District Magistrates.	Sessions Judges. High Court.	
9	Statement of offences reported and persons convicted, &c.	Subordinate Magistrates. District Magistrates.	District Magistrates. High Court.	
10	Statement of miscellaneous cases under Act X of 1882.	Subordinate Magistrates. Additional Sessions Judges. Sessions Judges. District Magistrates.	District Magistrates. Sessions Judges. High Court.	
11	Statement showing the result of trials before the Criminal Courts.			
12	Statement showing the punishments inflicted by the Courts of Original Jurisdiction.			
12A	Statement showing the particulars of whippings inflicted by the Criminal Tribunals.			
13	Statement showing the result of appeals and applications for revision in criminal cases.			
14	Statement showing the use of Juries and Assessors in the Criminal Courts.			

Index Numbers of forms.	Subject of Statement.	By what Courts to be prepared and submitted.	To what Courts to be submitted.	REMARKS.
15	Statement showing number of offences reported, complaints rejected, cases struck off as false, and cases returned as true.	District Magistrates.	High Court.	Statements 15 to 26 will be incorporated by District Magistrates in their Annual Reports, and Statements 17 to 26 by Sessions Judges in their reports.
16	Comparative table of cases brought to trial and of persons acquitted or discharged and convicted, and the percentage convicted.			
17	Comparative table showing number of cases brought to trial, disposed of, and pending.	District Magistrates. Sessions Judges.	High Court.	
18	Table showing number of persons under trial in Magistrates' and Sessions Courts, and the result of trials.			
19	Comparative table showing number of witnesses examined and discharged without examination and the amount paid as expenses.	Subordinate Magistrates.	District Magistrates.	
20	Table showing detention of witnesses.	District Magistrates. Sessions Judges.	High Court.	
21	Comparative table showing amount of fines imposed and the amount realised and paid away by way of compensation.			
22	Comparative table showing number of appeals (cases) preferred, disposed of, and pending.	District Magistrates. Sessions Judges.	High Court.	
23	Table showing the result of appeals.			
24	Comparative table showing number of applications (cases) for revision preferred, disposed, of, and pending.			
25	Statement showing result of applications for revision.			
26	Comparative table showing receipts and charges of Criminal Courts and results.			

3. [*No Statements to be discontinued without order—G. L. No. 5 of 9th March 1877.*]—No Statement in use by authority of the High Court may be discontinued without an express order of such Court.

MONTHLY STATEMENTS.

4. [*Instructions—C. O. No. 5 of 14th October 1879.*]—(*a*) Subordinate Magistrates shall submit monthly to the District Magistrate a Statement of Summary Trials and a Statement of Pending Files; from these the District Magistrate will compile a General Statement[1] for his District, which he will forward to the High Court. Subordinate Magistrates are required to submit monthly to the District Magistrate explanations of the cause of delay in the disposal of cases pending more than one month. The District Magistrate will forward to the High Court explanations regarding cases pending more than three months only, together with a copy of any orders which he may have passed with regard to these cases on previous Monthly Statements. In case the number of persons awaiting trial before any Magistrate for more than two months is unusually great, explanation should in like manner be given.

(*b*) Subordinate Magistrates shall also submit to the District Magistrate, monthly, a General Statement[2] of the business coming before their Courts. These Statements for the first two months of each quarter shall contain the figures for one month only; for the third month they shall contain the figures for the whole quarter.

[1] Monthly Statement B, No. 4, p. 20.
[2] Monthly (and Quarterly) Statement A, No. 5, pp. 21 & 22.

No. 4. (*Revised by Rule No. 3 of 14th Sept. 1883.*) MONTHLY STATEMENT B.

State of the Files in the Courts of the Magistrates in the District of *at the close of*

Designation and Powers of Magistrates or Benches.	Pending.		Details of column 3. Number of Persons.					Of the Persons entered in columns 5 to 8, under trial.										Remarks and explanations as to the number of cases pending or time of pendency.
	Cases.	Persons.	Criminal Lunatics.	Others.				Over 6 months.		Over 3 months.		Over 2 months.		Over 1 month.		Not exceeding 1 month.		
				In custody.	On bail.	On recognizance.	Otherwise.	In custody.	On bail, &c.	In custody.	On bail, &c.	In custody.	On bail, &c.	In custody.	On bail, &c.	In custody.	On bail, &c.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Total																		

N. B.—If accused persons were in custody for only a part of the time during which their cases are pending, a note should be made in the column for remarks showing the period during which they were in that condition.

The columns "In custody" and "On bail" should be filled in with reference to the condition of the accused on the last day of the period to which the return relates.

No. 5.

MONTHLY AND QUARTERLY STATEMENT A.

PART I.

Showing the number of Persons tried, convicted, and acquitted, and of Cases brought to trial, disposed of, and pending in the Court of during the month of 18 .

(*Vide* instructions on Annual Statement 4.)

Designation and Powers of Magistrates or Benches.	Number of Persons							Number of Cases			Number of working days employed in the Criminal Department.	Remarks.
	Under trial during the month.	Died, escaped, transferred.	Discharged or acquitted.	Convicted.		Committed or referred.	Remaining under trial.	Brought to trial during the month.	Disposed of during the month.	Pending at the close of the month.		
				On regular trial.	On summary trial.							
1	2	3	4	5	6	7	8	9	10	11	12	13

No. 5. MONTHLY AND QUARTERLY STATEMENT A.

PART II.

Statement of Persons concerned in Cases decided under the miscellaneous provisions of the Code of Criminal Procedure during the month of 18 .

(*Vide* instructions on Annual Statement 3.)

Designation and Powers of Magistrates or Benches.	Proceedings against Witnesses under Chapter VI, c, and section 485.	Proceedings under Chapter VIII, to prevent breach of the peace.	Proceedings under Chapter VIII, security for good behaviour.	Proceedings against Local Nuisances, Chapter X.	Possession, Chapter XII.	Frivolous or vexatious Complaints summarily dealt with under Chapter XX, section 250.	Contempts of Court under Chapter XXXV.	Maintenance, Chapter XXXVI.	Forfeiture of Bail or Recognizance under Chapter XLII.	Remarks.
	Persons.	Persons.	Persons.	Persons.	Cases.	Persons.	Persons.	Persons.	Persons.	
1	2	3	4	5	6	7	8	9	10	11

SESSIONS STATEMENTS.

5. [*Instructions as to fixing Sessions—C. O. No. 5 of 14th October 1879.*]—(*a*) In the first week in December in each year the Sessions Judge shall fix the number of Sessions to be held during the year following, and the dates on which respectively they are to begin, the number varying with the estimated or average number of trials, and not being less than six or more than ten in each year, except in outlying districts, where ordinarily the number should not be less than four. The arrangements made are to be immediately reported to the High Court for approval, but may be carried out, unless the disapproval of the Court be communicated.

(*b*) The Magistrate of each district shall obtain from all the Subordinate Magistrates who exercise the power of committing to the Sessions, the particulars of all cases committed by them, and shall prepare and submit to the Sessions Judge two days before the commencement of each Session a Calendar of all such cases in the following form. This Calendar shall be the basis of the Sessions Judge's return to the High Court.

No. 2. (*Form of District Magistrate's Calendar.*)

Calendar of Accused Persons for trial before the Court of Session.

Session of *18* .

Number of Case.	Committing Officer.	Number and Name of Accused.	Charges and under what Law.	Date of Offence.	Date of Apprehension or appearance to Summons.	Date of Commitment.	In Jail or on Bail.	Finding and Sentence or other Order of the Court of Session as regards each Prisoner.
1	2	3	4	5	6	7	8	9

6. [*Form of Sessions Judge's Calendar—C. O. No. 5 of 14th October 1879.*]—After each Session the Judge shall submit to the High Court a statement in the following form, in which the case of every accused person awaiting trial at the commencement of the Session, or brought before the Court during the Session, shall be entered :—

SESSIONS STATEMENT (TO BE SUBMITTED AFTER EACH SESSION).

No. 3.

Calendar of Accused Persons tried or brought before the Court of Session for the Division of at the Sessions held in the month of 18 .

Serial Number.	Name of each accused person.	Age or supposed Age.	Offences—nature of	Date of				Verdict of Jury or opinion of Assessors.	Sentence passed.	Remarks.
				Offence.	Apprehension.	Commitment.	Sentence.			
1.	2	3	4	5	6	7	8	9	10	11

7. [*Section 304, I. P. C.—In Convictions under this Section, Sessions Judges to note why the Culpable Homicide did not amount to Murder—Rule No. 3 of 10th February 1882.*]—(*a*) Sessions Judges, in all cases in which they may convict of culpable homicide not amounting to murder, shall invariably mention, in their remarks on the trial, the circumstances under which the culpable homicide was held not to amount to "murder."

(*b*) Sessions Judges shall invariably record their opinion whether the act by which death was caused was done with the intention of causing death,[1] or of causing such bodily injury as was likely to cause death; or with the knowledge that it was likely to cause death, but without any intention to cause death, or to cause such bodily injury as was likely to cause death.[2]

8. [*Instructions as to the filling up of the Sessions Judge's Calendar—C. O. No. 5 of 14th October 1879.*]—(*a*) Cases shall be entered in the order of trial, so as to enable the Judge's clerk to place each case in the Statement at the conclusion of the trial. A separate index number shall be given to each trial and to each prisoner. The series of numbers shall be separate for each Sessions.

(*b*) Column 4 is meant to contain an abstract of the charge. Offences are to be stated as concisely as possible with the section of the Indian Penal Code or other law applicable. When a prisoner is charged with several offences, the heads of charge on which he has been convicted must be indicated by red underlining.

(*c*) Column 9 should contain a statement whether the accused was tried with a jury or with assessors, and the verdict or opinion, specifying whether such verdict or opinion was unanimous, or, if not, the particulars of such difference. Where the trial was not with a jury, the opinions of the assessors should be given concisely, so as to show the view of each. Any recommendation to mercy, or other special matter contained in the verdict of the jury, or opinion of the assessors, should also be stated in this column.

[1] *Penalty*, transportation for life or imprisonment of either description for a term which may extend to 10 years and fine.

[2] *Penalty*, imprisonment of either description for a term which may extend to 10 years, or fine, or both.

(*d*) In the column of remarks, Sessions Judges should state the ground of postponement when any trial is postponed—the period of any solitary confinement awarded to any prisoner—the fact, if it be so, that the sentence passed on any prisoner is in addition to any other sentence in a different case passed at the same Sessions, or one which is to take effect on the expiration of another sentence which the prisoner may be undergoing—the opinion of the Judge regarding the verdict delivered by the jury, stating whether it had his concurrence, and whether he thought that the evidence in the case warranted the particular finding, with the reasons for any difference of opinion[1]—and the grounds on which any person punishable with death has been sentenced to any punishment other than death (section 374, Code of Criminal Procedure)—the reasons which have prompted a specially light, or specially severe, sentence in any particular case—and generally any matter necessary to enable the High Court to exercise the power of revision vested in it by the 32nd Chapter of the Criminal Procedure Code.[2]

QUARTERLY STATEMENTS.

9. [*Instructions for the preparation of the Quarterly Statements—C. O. No. 5 of 14th October 1879.*]—(*a*) With the figures submitted by their subordinates, District Magistrates shall compile a general Statement[3] for the whole district and submit it to the High Court.

(*b*) Sessions Judges shall also submit quarterly to the High Court a Statement[3] showing the result of commit-

[1] Such reasons need not be given in the case of trials held with the aid of assessors.

[2] All cases committed before the beginning of any sessions should appear in the return for that sessions (whether taken up or not).—(*H. C. 802 of 1883.*)

[3] Quarterly Statement A, Parts I, II, and III. Form No. 6, pp. 28 to 30.

ments to the Court of Session and of appeals, and applications for revision made to them. The Additional Sessions Judge, if any, will furnish a similar return[1] for his own Court to the Sessions Judge, who will exhibit the figures separately in his return.

NOTE.—In the Quarterly Criminal Statements, columns headed "Brought to trial" or "Preferred," unlike those headed "Under trial" or "Total dealt with," are intended to show only cases brought to trial, or appeals or applications filed during the period to which the return relates, and are not intended to include cases pending at the commencement of such period.—(*G. L, No. 3, dated 4th February 1880.*)

[1] Quarterly Statement B, Parts I and II. Form No. 7, pp. 31 & 32.

No. 6.

QUARTERLY STATEMENT A.—(*To be submitted by District Magistrates to the High Court.*)

PART I.

Statement of Persons tried, convicted, and acquitted, and of Cases brought to trial, disposed of, and pending in the Courts of Magistrates in the District of in the quarter of 18 .

(*Vide* instructions on Annual Statement 4.)

Designation and Powers of Magistrates or Benches.[1]	Number of Persons							Number of Cases			Number of working days employed in the Criminal Department.	Remarks.[2]
	Under trial during the quarter.	Died, escaped, transferred.	Discharged or acquitted.	Convicted		Committed or referred.	Remaining under trial.	Brought to trial.	Disposed of.	Pending.		
				On regular trial.	On summary trial.							
1	2	3	4	5	6	7	8	9	10	11	12	13
Total												

[1] Enter the names of, and powers exercised by, all Stipendiary Magistrates. Honorary Magistrates who have acted singly should be entered together, their cases being exhibited in one line. Benches of Magistrates, however composed, should be exhibited separately.

[2] The certificate required by Circular Order No. 10, dated 3rd September 1878, should accompany.—See clause (*h*), Rule 4, Chap. III.

NOTE.—If a person entered in column 3 is the sole accused in his case, such case should not be entered in column 10 (See footnote 4 to annual Statement 6). If an entry be made in column 3, it should be noted in the column for "remarks" whether or no the person so entered was the sole accused in his case (*H. C. 118 and 300, 1882*).

PART II.

Statement of Persons concerned in Cases decided under the miscellaneous provisions of the Code of Criminal Procedure during the quarter of 18 .

(*Vide* instructions on Annual Statement 3.)

Designation and Powers of Magistrates or Benches.	Proceedings against Witnesses under Chapter VI. c. and section 485.	Proceedings under Chapter VIII, to prevent breach of the peace.	Proceedings under Chapter VIII, security for good behaviour.	Proceedings against Local Nuisances, Chapter X.	Possession, Chapter XII.	Frivolous or vexatious Complaints summarily dealt with under Chapter XX, section 250.	Contempts of Court under Chapter XXXV.	Maintenance, Chapter XXXVI.	Forfeiture of Bail or Recognizance under Chapter XLII.	Remarks.
	Persons.	Persons.	Persons.	Persons.	Cases.	Persons.	Persons.	Persons.	Persons.	
1	2	3	4	5	6	7	8	9	10	11
Total										

PART III.

Statement showing the Result of Appeals to the Magistrate of the District or other Magistrate authorised to hear Appeals, and of Applications to the Magistrate of the District for the Revision of the Proceedings of Subordinate Courts.

(*Vide* instructions on Annual Statement 6.)

Court to which the Appeal was preferred or application made.	Number of Persons.												Number of Cases.			Remarks.[1]
	Number of Appellants and Applicants for revision, including pending from last quarter.	Died, escaped, transferred.	Appeal or Application rejected.	Sentence or Order confirmed.	Sentence enhanced.	Sentence reduced, or Sentence or order otherwise altered.	Sentence or order reversed.	Proceedings quashed.	New Trial or further enquiry ordered.	Referred to the High Court for revision.	Disposed of, including entries in columns 4 to 11.	Remaining at the end of the quarter.	Preferred during the quarter.	Disposed of during the quarter.	Pending at the close of the quarter.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Appeals.																
Magistrate of the District.																
Total .																
Applications for Revision.																
Magistrate of the District.																
Total .																
Grand Total .																

[1] The date of the oldest pending appeal or application for revision should be entered, with explanation in every such case regarding delay exceeding one month.

No. 7 (Revised.) QUARTERLY STATEMENT B.—(*To be submitted by Sessions Judges.*)

QUARTERLY STATEMENT B.[1]

(*Corresponding with Annual Statements 4 and 6.*)

PART I.

Showing the Number of Cases and Persons before, and the Results of Trial in, the Court of the Sessions Judge of during the Quarter of 18 .

Designation of committing or referring officer.	Number of persons								Number of cases			Remarks.
	Under trial.[2]	Died, escaped, transferred.[3]	Discharged or acquitted.	Convicted		Referred.	Remaining under trial		Received on commitment or reference.[4]	Disposed of during the quarter.[5]	Pending at the close of the quarter.	
				On regular trial.	On summary trial.		In custody.	On bail.				
1	2	3	4	5	6	7	8	9	10	11	12	13
Total												

Note.—In the above Statement enter separately (*a*) commitments and (*b*) cases received on reference under sections 31, 34, or 123, Criminal Procedure Code. In the column of Remarks, give the date of commitment of each case appearing in column 12.

[1] Revised form, prescribed by Rule No. 3 of the 16th May 1881 and by Rule No. 3 of 14th September 1883.

[2] During the quarter, including pending from the previous quarter.

[3] See note to Quarterly Statement A.

[4] During the quarter, excluding pending from the previous quarter.

[5] Omit cases in which accused died, escaped, or was transferred.

N. B.—Column 4, "discharged," and column 6 refer to cases under section 480, C. C. P. (*H. C. 1269, 1881*).

Columns 8 and 9 should be filled in with reference to the condition of the accused on the last day of the period to which the return relates. If accused was in custody for only a part of the time during the period under report, a note should be made in the column of Remarks to show how long he was in that condition (*Rule No. 3 of 14th September 1883*).

PART II.[1]

Statement showing the Result of Appeals and Applications for Revision in Criminal Cases in the Court of Session.

Court to which the Appeal was preferred or application made.	Number of Persons.												Number of Cases.			Remarks.
	Number of appellants and applicants for revision.[2]	Died, escaped, transferred.	Appeal or application rejected.	Sentence or Order confirmed.	Sentence enhanced.	Sentence reduced, or sentence or order otherwise altered.	Sentence or order reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred to the High Court for revision.	Disposed of, including entries in columns 4 to 11.	Remaining at the end of the quarter.	Preferred.[3]	Disposed of during the quarter.	Pending at the close of the quarter.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Appeals. Court of Sessions Judge.																
Applications for Revision. Court of Sessions Judge.																

[1] Revised form prescribed by Rule No. 3 of the 16th May 1881.
[2] During the quarter, including pending from the previous quarter.
[3] During the quarter, excluding pending from the previous quarter.

NOTE.—Orders passed under section 498, C. C. P., should not be shown in this Statement (*H. C. 1269 of 1881*). References to the High Court to quash commitment should be shown in Part II (not Part I), and be regarded as references to the Court in the exercise of its revisional jurisdiction under section 438, C. C. P. (*H. C. 509, 1882*).

In the column of Remarks, enter the date of the oldest pending appeal or application for revision, and give explanation regarding any pending for more than one month.

The day of *Sessions Judge.*

ANNUAL STATEMENTS.

10. [*Instructions as to the preparation of Annual Statements—C. O. No. 5 of 14th October 1879.*]—

(*a*) District Magistrates shall in future submit their Annual Statements direct to the High Court, and not through the Sessions Judge.

(*b*) Sessions Judges shall submit separately to the High Court the returns relating to the Court of Session. These returns shall exhibit separately the figures pertaining to each District Magistracy within the jurisdiction of the Sessions Judge.

(*c*) District Magistrates must take care that the proper officers of their own Court and of the Courts subordinate to them collect at convenient intervals the information necessary to fill up the Annual Statements. Some of these can be readily compiled from the monthly and quarterly returns. In the case of others, it is essential that the requisite information should be collected from time to time so as to be available without delay at the close of the year.

(*d*) In order to secure the accurate preparation of Statements 2, 4, and 5, the forms of Register marked 27, 28, and 29, in the "Forms of Periodical Statements,"[1] shall be adopted in the Courts of all Magistrates. Register 19 shall also, so far as applicable, be adopted by Courts of Session. It is intended that the entries to be made in it should be made at once, on the conclusion of each trial, by the officer in attendance at the Bench. The entries in Register 28 may be also made then, or, with those in 29, they may be written up from time to time, as found convenient.

NOTE.—In the Annual Criminal Statements, columns headed "Brought to trial" or "Preferred," unlike those headed "Under trial" or "Total dealt with," are intended to show only cases brought to trial or appeals or applications filed during the period to which the return relates, and are not intended to include cases pending at the commencement of such period.—(*G. L. No. 3, dated 4th February 1880.*)

[1] *Vide* pages 17 & 18

ANNUAL STATEMENT 1—(CRIMINAL) FOR THE
OF FOR THE YEAR 18

No. 8.

PART I.

List of Judicial Divisions, with Area and Population.

Name of Sessions Division.	Names of District Magistracies.	Names of Sub-divisions.[1]	Area in square miles.[1]	Population.[1]
1	2	3	4	5

PART II.

Return showing the Number of Officers of each Class vested with Jurisdiction in Criminal Cases present in the District at the close of the year; and the Number of Working Days of all Officers employed in the District during any part of the year.

Class of Courts.	Exercising Criminal powers only.[2]	Criminal and Civil powers.[2]	Criminal and Revenue powers.[2]	Exercising Criminal, Civil, and Revenue powers.[2]	Total number of working days employed.[3] On Criminal work.	On Civil work.	On Revenue work.	Remarks.
1	2	3	4	5	6	7	8	9
COURTS OF SESSION.								
Sessions Judge . . .								
Additional or Joint Sessions Judge								
Assistant Sessions Judge .								
Total .								
MAGISTRATES.								
Stipendiary . 1st class[4] .								
Stipendiary . 2nd class .								
Stipendiary . 3rd class .								
Total .								
Special Magistrates, under Section 14, C. P. C. . .								
Honorary . 1st class .								
Honorary . 2nd class .								
Honorary . 3rd class .								
Total .								

[1] Give separately the area and population of each District Magistracy.
[2] Enter only officers employed in the district at the close of the year.
[3] Include the working days of every officer exercising Criminal powers during any part of the year. Note in the column of Remarks the number of officers of each class who, though vested with powers, did no Criminal work during the year.
[4] Include the Magistrate of the District.

PART III.

Return showing each Bench of Magistrates constituted in the District.

Sittings where held.	Number of Magistrates who sit together to form a Board.[1]		Powers.	Local Jurisdiction.	Remarks.[2]
	Stipendiary.	Honorary.			
1	2	3	4	5	6

[1] That is, the number usually present at each sitting—not the number attached to the Bench.
[2] Note whether the Benches are authorised to take up cases on complaint, without reference.

PART IV (*Revised*).

Statement showing the Receipts and Charges of the Criminal Courts and the proportion of the Salary of Judicial Officers debitable to Criminal Justice for the year 18 .

Class of Courts.[1]	RECEIPTS.[2]						CHARGES.[2]									Remarks.
	In Court Fees Stamps.		In Cash or Special Stamps.			Total.	Salaries of Judicial Officers.		Establishment.			Contingencies.		Refunds.	Total of columns 8 to 12.	
	Process Fees.	Other Fees.	Fines.[3]	Copying and Comparing Fees.	Other Receipts credited to Government.		Gross.	Share debitable to Criminal Justice.[4]	Process Servers.	Salaried Copying and Comparing Clerks.	Others.	Fees paid to Copyists not on the fixed establishment.	Other Contingencies.			
1	2	3	4	5	5a	6	7	8	9	10	10a	11	11a	12	13	14
Total .																

[1] District Magistrates will give total figures separately for each station at which there is a Magistrate. Sessions Judges will give them separately for each district within the Sessions Division.

[2] Omit fractions of a rupee.

[3] Magistrates will not include realisation on account of fines imposed on persons committed for trial to the Court of Session, which will be shown by the Sessions Judge in his Statement. They will include all other judicial fines realised by them, whether afterwards credited to local funds or not.

[4] The proportion of an officer's time shown in Part II to have been devoted to Criminal work will determine the proportion of his salary to be debited to Criminal Justice.

N.B.—Columns 5a, 10a, and 11a added by Circular of 4th March 1881.

Note.—Column 4 should include all judicial fines realised, whether imposed in the exercise of appellate or original jurisdiction, and also the realisations on account of forfeited bail or recognizance (Chapter XLII of Act X of 1882) in the cases entered against cross-heading 3 of Annual Statement 3. Amounts paid away as compensation should not be included in this column, nor in any of the other columns of this Statement.

Column 12. The term "Refunds" is applicable to such fines only as are remitted under proper authority and have to be paid back to the parties from whom they were levied.—(*H. C. 905, 1883.*)

SCHEDULE OF OFFENCES.

N.B.—Attempts where not separately specified in this Schedule should be entered immediately after the Offences at which they are Attempts. Abetments should be included with the Substantive Offences abetted.

Nomenclature of Offences, with Chapter and Section of the Penal Code or other Law applicable.				Number of Head of Crime.
I.—OFFENCES UNDER THE PENAL CODE.				
Offences against the State	Chapter	VI,	Secs. 121 to 130	1
Offences against the Army and Navy	,,	VII,	,, 131 to 140	2
Offences against the public tranquillity	,,	VIII,	,, 143 to 145, 149 to 151, 157, 158, Unlawful assembly	3
			,, 147, 148, 152 & 153 to 156 . Rioting, &c.	4
			,, 160 . Affray	5
Offences by or relating to public servants	,,	IX,	,, 161 to 169 . By public servants	6
			,, 161, 170 & 171 Relating to public servants	7
Contempts of the lawful authority of public servants	,,	X,	,, 172 to 190	8
False evidence and offences against public officers	,,	XI,	,, 193 to 200 . False evidence, subornation, &c., of public servants	9
			,, 201 to 229 . Offences against public justice	10
Offences relating to coin and Government stamps	,,	XII,	,, 231 to 254 . Offences relating to coin	11
			,, 255 to 263 . Offences relating to stamps	12
Offences relating to weights and measures	,,	XIII,	,, 264 to 267	13
Offences affecting the public health, safety, convenience, decency, and morals	,,	XIV,	,, 269 to 278 . Offences affecting public health	14
			,, 279 to 289 . Offences affecting safety	15
			,, 290 & 291 . Offences affecting convenience	16
			,, 292 to 294 . Offences affecting decency and morals	17
			,, 294A . Keeping lottery office or publishing proposals for lottery	17a
Offences relating to religion	,,	XV,	,, 295 to 298	18

SCHEDULE OF OFFENCES—*continued.*

Nomenclature of Offences, with Chapter and Section of the Penal Code or other Law applicable.				Number of Head of Crime.
I.—OFFENCES UNDER THE PENAL CODE—*continued.*				
Offences affecting the human body	Chapter	XVI,	Secs. 302 & 303 . Murder	19
			„ 307 . Attempt at murder	20
			„ 304 . Culpable homicide	21
			„ 304A . Causing death by rash or negligent act	21a
			„ 308 . Attempt at culpable homicide	22
			„ 305 & 306. Abetment of suicide	23
			„ 309 . Attempted suicide	24
			„ 311 . Thuggee, &c.	25
			„ 312 to 315 . Causing miscarriage	26
			„ 316 . Injury to unborn children	27
			„ 317 . Exposure of infants	28
			„ 318 . Concealment of birth by secret disposal of dead body	29
			„ 325 to 331 & 333 Hurt with aggravating circumstances	30
			„ 323, 324, 332, & 334 to 338 . Other cases	31
			„ 341 . Wrongful restraint	32
			„ 342 to 348 . Wrongful confinement	33
			„ 352 to 358 . Criminal force or assault	34
			„ 364, 366, 367 . Kidnapping or forcible abduction with aggravating circumstances	35
			„ 363, 365, 368, & 369 . Other cases	36
			„ 370 & 371 . Slavery	37
			„ 372 & 373 . Buying or selling a minor for the purpose of prostitution	38
			„ 374 . Forced labour	39
			„ 376 . Rape	40
			„ 377 . Unnatural offence	41
Offences against property	„	XVII,	„ 382 . Theft with aggravating circumstances	42
			„ 379 to 381 & 401 . Other cases	43

SCHEDULE OF OFFENCES—*continued.*

Nomenclature of Offences, with Chapter and Section of the Penal Code or other Law applicable.				Number of Head of Crime.
I.—OFFENCES UNDER THE PENAL CODE—*continued.*				
Offences against property—*ctd.* Chapter XVII,	Secs. 386 to 389		Extortion with aggravating circumstances	44
	" 384 & 385		Other cases	45
	" 394	Robbery.	With hurt	46
	" 392	Robbery.	Other cases	47
	" 393	Robbery.	Attempts	48
	" 396	Dacoity.	With murder	49
	" 397	Dacoity.	With attempt to cause death or grievous hurt	50
	" 398	Dacoity.	Attempted robbery or dacoity when armed with deadly weapons	51
	" 395, 399, 400 & 402	Dacoity.	Other cases	52
	" 403 & 404		Criminal misappropriation of property	53
	" 406 to 409		Criminal breach of trust	54
	" 411 to 414		Receiving or habitually dealing in stolen or plundered property	55
	" 417 to 420		Cheating	56
	" 421 to 424		Fraudulent deeds or disposition of property	57
	" 429 to 433 & 435 to 440	Mischief.	With aggravating circumstances	58
	" 426 to 428 & 434	Mischief.	Other cases	59
	" 459 & 460	Criminal trespass.	Resulting in death or grievous hurt	60
	" 449 to 452, 454, 455, 457 & 458	Criminal trespass.	For commission of serious offences	61
	" 447, 448, 453, 456, 461 & 462	Criminal trespass.	Other cases	62

SCHEDULE OF OFFENCES—*continued.*

Nomenclature of Offences, with Chapter and Section of the Penal Code or other Law applicable.				Number of Head of Crime.
I.—OFFENCES UNDER THE PENAL CODE—*concluded.*				
Offences relating to documents and to trade or property mark.	Chapter	XVIII,	Secs. 465 to 471 & 474 . . Forgery or uttering or possessing forged documents or papers . .	63
			„ 472 to 476 . Counterfeiting or making, or possessing a counterfeit seal, &c., for purposes of forgery . .	64
			„ 477 . . . Fraudulently destroying or defacing a will or other document . .	65
			„ 482, 486, 487 & 488 . . . Using a false trade or property mark, and knowingly selling property so marked .	66
			„ 483 to 485 . Counterfeiting or making, or possessing a die plate, or instrument for counterfeiting a trade or property mark .	67
			„ 489 . . . Removing, destroying, &c., a trade or property mark with intent to cause injury .	68
Criminal breach of contracts and service . .	„	XIX,	„ 490 to 492	69
Offences relating to marriage .	„	XX,	„ 493 to 498	70
Defamation .	„	XXI,	„ 500 to 502	71
Criminal intimidation, insult, or annoyance .	„	XXII,	„ 506 . . . The threat being to cause death or other grievous hurt.	72
			„ 504 to 510 . Other cases .	73
II.—OFFENCES UNDER SPECIAL AND LOCAL LAWS.				
Code of Criminal Procedure.				
Chapter VIII, Sections 107, 108, 119, Security for keeping the peace . .				74
Chapter VIII, Sections 109, 110, Security for good behaviour . : .				75

SCHEDULE OF OFFENCES—*concluded.*

Nomenclature of Offences, with Chapter and Section of the Penal Code or other Law applicable.	Number of Head of Crime.
II.—OFFENCES UNDER SPECIAL AND LOCAL LAWS—*continued.*	
Breach of other Laws relating to—	
Arms, Ammunition, and Military Stores	Act 11 of 1878
Army and Navy	
Canals, Drainage, and Embankments	Act 6 (B. C.) of 1873.
Cantonments, Military	„ 3 of 1880.
Cattle Trespass	„ 1 of 1871.
Coinage and Mint	„ 23 of 1870.
Companies Act	„ 10 of 1866.
Contagious Diseases	„ 14 of 1868.
Contract—Workmen	„ 13 of 1859.
Criminal Tribes and Eunuchs	„ 27 of 1871.
Customs, Sea	„ 8 of 1878.
Emigration to Foreign Ports	„ 7 of 1871.
„ Inland	„ 1 of 1882.
„ Straits Settlements	„ 5 of 1877.
Foreigners	Reg. 11 of 1812, Act 3 of 1864.
Forests	Act 7 of 1878.
Gambling	„ 2 (B. C.) of 1867.
Hackney and Stage Carriages	Acts 5 (B. C.) of 1866, 4 (B. C.) of 1878, & 16 of 1861.
Inoculation	Act 4 (B. C.) of 1865.
Land Acquisition	„ 10 of 1870.
Legal Practitioners	„ 18 of 1879.
License Tax	„ 2 (B. C.) of 1880.
Marriage, Christian	„ 15 of 1872.
Merchant Shipping and Seamen	„ 13 of 1876.
Municipalities	Acts 4 & 5 (B. C.) of 1876, and amending Acts.
Opium	Act 1 of 1878.
Passenger Ships	„ 8 of 1876.
Police, District	„ 5 of 1861.
„ Town	Acts 2 & 4 (B. C.) of 1866.
Ports	Act 12 of 1875.
Post Offices	Acts 14 of 1866 & 3 of 1882.
Prisons and Prisoners	„ 5 of 1871, 2 (B. C.) of 1864, 5 (B. C.) of 1865, & 4 (B. C.) of 1866.
Printing Presses	Act 25 of 1867.
Railways	Acts 4 of 1879 & 4 of 1883.
Registration of Documents	Act 3 of 1877.
„ of Births and Deaths	„ 4 (B. C.) of 1873.
Salt	Acts 12 of 1882 & 7 (B. C.) of 1864.
Sarais and Paraos	Act 22 of 1867.
Stamps	„ 1 of 1879.
Telegraphs	„ 1 of 1876.
Treasure Trove	„ 6 of 1878.
Tolls	Acts 8 of 1851, 22 of 1856, 9 (B. C.) of 1871, & 3 (B. C.) of 1880.
Vagrancy (European)	Act 9 of 1874.
Volunteers	„ 20 of 1869.
Weights and Measures	„ 31 of 1871.

NOTE.—The above Acts should be read as amended by later Acts.

No. 9.

ANNUAL STATEMENT—2 (CRIMINAL).

Statement of Offences reported and of persons tried, convicted, and acquitted of each offence in the , in the year 18 .

Nomenclature of Offences, with Chapter and Section of the Penal Code or other Law applicable.	Number of head of crime.	Number of Cases.					Number of Persons.					Remarks.
		Offences reported.	Complaints dismissed under Section 203, C. P. C.	Other cases struck off as false.	Balance returned as true.	Brought to trial during the year.	Under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remaining under trial at the close of the year.	
1	2	3	4	5	6	7	8	9	10	11	12	13
Total .												

INSTRUCTIONS FOR PREPARATION OF ANNUAL STATEMENT 2.

Column 1.—The printed schedule of offences must be adhered to. No cases under the Code of Criminal Procedure, except those indicated in it, must be entered in the body of this Statement. In the column of Remarks it may be noted how many of the persons entered against headings 8 and 10 were dealt with summarily under the provisions of Chapter XXXV of the Code of Criminal Procedure; in how many cases, entered against other heads, the complainant was required to pay compensation to the accused under section 250, or the defendant, in addition to the punishment inflicted upon him, was required to give recognizances or security to keep the peace under section 106; in how many cases, entered against heading 75, the orders of the Court of Session were taken under section 123. The list given of offences under "Special and Local Laws" is not meant to be exhaustive. Separate entry should be made, in alphabetical order, of each law against which offences have been committed. Attempts, where not separately specified in the Schedule, should be entered immediately after the offences at which they are attempts. Abetments should be included with the substantive offences abetted.

Column 2.—In this column the index number of the head of crime given in the printed Schedule should be entered.

Column 3.—All offences (cases) of which information was given, complaint made, or cognizance taken under Chapters IV, V, XIV, XVI, C. P. C., for the first time during the year, are to be shown, if they were alleged to have occurred in the district, although some of the charges may not have been prosecuted, or may have turned out to be false.

Column 4.—Enter all complaints (cases) dismissed under section 203, C. P. C., during the year.

Column 5.—Enter all cases other than those shown in column 4 in which, during the year, a Magistrate declared that the charge was false and that the offence never occurred. Include cases in which the complaint was adjudged to be frivolous or vexatious, and the complainant was fined under section 250, C. P. C. Exclude charges rejected by the Police, unless a Magistrate declared them to be false.

Column 6.—The entries in this column should be the balance of cases entered in column 3, after deducting those entered in columns 4 and 5.

Column 8.—Include cases and persons pending trial at the close of the year and those received by transfer from other districts.

Columns 7 to 12.—Those cases only in which an accused person has appeared personally or by agent before a Court, and the persons who so appeared, are to be entered in these columns.

Columns 8, 9, & 10.—The final result of trial as regards each person will determine the heading in column 1 against which he is to be entered. Where an accused is tried under more than one head of charge, he should be exhibited under the principal one only, unless he happens to be accused of entirely distinct offences supported by separate evidence, in which case the trials would be separate, and the results independent.

Columns 9 & 10.—These columns are intended to show the result of trial in the Magistrate's Court as regards persons whose cases were disposed of by Magistrates, and in the Court of Session as regards persons whose cases were disposed of by that Court. In cases referred by Subordinate Magistrates under sections 347, 349, by Deputy Commissioners under section 34, by Assistant Judges under section 31, and by Courts of Session under sections 307 and 374, C. P. C., the results to be shown are those in the Court which received and dealt with the reference. Should this Court not have decided the case by the end of the year, it should be entered as "Remaining under trial."

Column 11.—In the column of Remarks, the names of the Courts or Districts to which any cases were transferred should be noted, in order that it may be ascertained that they have been properly entered in the returns of the latter.

Column 12.—Committed cases, which had not been decided at the close of the year, will be entered as pending in this column, as well as the referred cases above alluded to.

No. 10.

ANNUAL STATEMENT 3—(CRIMINAL).

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the during 18 .

Nature of Proceedings.	Total Number dealt with during the year.		Disposed of during the year.			Remarks.
	Cases.	Persons.	Cases.	Persons.		
				Discharged.	Convicted.	
1	2	3	4	5	6	7
1. Proceedings against witnesses under Chapter VI c. and section 485						
2. Proceedings under Chapter VIII, To prevent breach of the peace						
3. Proceedings under Chapter VIII, Security for good behaviour						
4. Proceedings against local nuisances, Chapter X						
5. Possession, Chapter XII						
6. Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250						
7. Non-attendance of jurors or assessors, Chapter XXIII, section 332						
8. Contempts of Court under Chapter XXXV						
9. Maintenance, Chapter XXXVI						
10. Forfeiture of bail or recognizance under Chapter XLII						
Total						

Sub-head 6.—Complainants fined under section 250 are not to be entered as convicted in Annual Statements 2, 4, or 5, but the fact of the fines having been imposed may be noted in the column of Remarks of Statement 2, against the complaints preferred by them.

Sub-heads 2, 3, & 8.—Charges of contempt of Court, and cases under sections 107, 109, 110, 118, 120, 123, Criminal Procedure Code, will also appear under the appropriate head of the schedule in Statement 2 and in Statement 4. Persons convicted under these heads, and required to give security or recognizance under sections 120, 123, Criminal Procedure Code, will also appear in Statement 5.

Ditto 4, 5, & 9.—Cases under these sub-heads will not appear in Statements 2, 4, or 5. Jury cases under Chapter X will, however, appear in Statement 7.

Note.—Column 7. *Vide* final paragraph of note to Annual Statement 5, pp. 48 & 49.

No. 11.

ANNUAL STATEMENT 4—(CRIMINAL).

Statement showing the General Result of Criminal Trials in the Tribunals of various Classes in the in the year 18 .

Class of Tribunal.	Number of Persons under Trial.								Persons whose cases were disposed of.									Number of Cases.							Remarks.
	Remaining at the end of the previous year.	Brought to Trial during the year.						Total.	Died, escaped, or transferred.	Discharged or acquitted.	Convicted[1]				Committed or referred.[2]	Total of columns 11 to 16.	Persons under trial at the end of year.	Brought to trial during the year.	Disposed of during the year.[3]	Remaining at the close of the year.[4]	Number of cases entered in column 20 tried summarily.	Aggregate number of days during which the cases entered in column 20 lasted.[5]	Average number of days during which each case lasted.	Number of witnesses examined.	Note the number of Persons entered in columns 8 and 10 transferred from or to another Province.
		Under arrest by Police.	Upon warrant.	On Summons.	Voluntarily.	Received on commitment or reference.	Received by Transfer.				On regular trial.		On summary trial.												
											Appealable sentence passed.	Non-appealable sentence passed.	Appealable sentence passed.	Non-appealable sentence passed.											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
I.—MAGISTRATES.																									
Village Officers																									
Subordinate Magistrates. Special Magistrate under section 14																									
Subordinate Magistrates. Honorary Magistrates sitting singly — 2nd & 3rd class																									
Subordinate Magistrates. Honorary Magistrates sitting singly — 1st class																									
Subordinate Magistrates. Stipendiary Magistrates sitting singly — 2nd & 3rd class																									
Subordinate Magistrates. Stipendiary Magistrates sitting singly — 1st class																									
Subordinate Magistrates. Benches of Magistrates																									
District and Divisional Magistrates—Cases referred under sections 347, 349[6]																									
Chief Magistrates of Districts — under ordinary powers																									
Chief Magistrates of Districts — under special powers under section 34																									
Total																									

II.—COURTS OF SESSION.																									
Assistant Judges																									
Judges, Joint and Additional Judges																									
Judges — Cases referred by Deputy Commissioners under section 34, C P C																									
Judges — Cases referred by Assistant Judges under section 31, C. P. C																									
TOTAL																									
III.—SUPERIOR COURTS OF GENERAL JURISDICTION.																									
High Court — Cases under section 526, C. P C.																									
High Court — Cases committed by the Presidency Magistrates																									
High Court — Cases referred by Sessions Judges under section 307, C. P C.																									
High Court — Ditto ditto under section 374, C. P. C.																									
TOTAL																									
GRAND TOTAL																									

[1] Persons whose cases were referred to a superior Court for higher punishment or for confirmation of sentence will be entered in column 16, and not in columns 12 to 15, against the Court making the reference. Against the Court receiving the reference they will be shown as convicted or acquitted, according to the orders passed by it, or as pending, if orders have not been passed

[2] These cases will also be shown against the Magistrates who made the reference, entry being made as directed above.

[3] Omit cases in which the accused died, escaped, or was transferred

[4] The case of an insane accused who has been sent to a lunatic asylum should be kept on the file until he has been tried and either acquitted or convicted—(*H. C.* 060, 1887.)

[5] In calculating the duration before the Magistrates' Courts, the starting point to be taken is not the date of complaint or information, but that of apprehension, or attendance on summons or otherwise. As regards Courts of Session, the actual number of days occupied should be given, commencing from the date of commitment.

No. 12.

ANNUAL STATE

Statement showing the Punishments inflicted by the various

in the

Class of Tribunal.	Persons sentenced to: Death.	Transportation: For life.	Transportation: For a term.	Penal servitude.	Imprisonment: With solitary confinement.	Imprisonment: Rigorous: Without solitary confinement.	Imprisonment: Simple.	Forfeiture of property.	Fine: With imprisonment.	Fine: Without imprisonment.	Fine: In addition to other punishment.	Whipping: In lieu of other punishment.	Persons ordered to find or give: Sureties of the peace.	Recognizance to keep the peace.	Sureties for good behaviour.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
I.—MAGISTRATES.															
Village Officers															
Sub-Magistrates: Special Magistrates under section 14															
Sub-Magistrates: Honorary Magistrates sitting singly: 2nd and 3rd class															
Sub-Magistrates: Honorary Magistrates sitting singly: 1st class															
Sub-Magistrates: Stipendiary Magistrates sitting singly: 2nd and 3rd class.															
Sub-Magistrates: Stipendiary Magistrates sitting singly: 1st class															
Sub-Magistrates: Benches of Magistrates															
District and Divisional Magistrates—cases referred under sections 347, 349.															
Chief Magistrates of Districts: under ordinary powers															
Chief Magistrates of Districts: under special powers under section 34															
Total															
II.—COURTS OF SESSION.															
Assistant Judges															
Judges, Joint and Additional Judges															
Judges: Cases referred by Deputy Commissioners under section 34, C. P. C.															
Judges: Ditto ditto by Assistant Judges under section 31, C. P. C.															
Total															
III.—SUPERIOR COURTS OF GENERAL JURISDICTION.															
High Court: Cases coming before the Court under section 526, C. P. C.															
High Court: Cases committed by the Presidency Magistrates															
High Court: Cases referred by Sessions Judges under section 307, C. P. C.															
High Court: Ditto ditto, section 374, C. P. C.															
Total															
GRAND TOTAL															

[1] Omit fraction of a rupee.

[2] Include all judicial fines imposed during the year by the criminal courts in the exercise of original jurisdiction.

[3] Include all such fines realised during the year, though imposed in previous years.

Instructions.—This Statement is meant to exhibit every sentence passed, and where two penalties are inflicted confinement and fine, he will appear in columns 6 and 10; if to rigorous imprisonment without solitary confinement, if to rigorous imprisonment and whipping, then in columns 6 or 7 and 12; if to rigorous imprisonment, and In adding together the entries to ascertain the total number of persons punished, it will be necessary to exclude columns. Further, to reconcile the number of persons entered in this Statement as punished with the number ordered under Act XIII of 1859 in a footnote, no special column being provided for them in the Statement.

As regards persons whose cases were referred for higher punishment or for confirmation of sentence, the punish against such Court accordingly, and not against the Court making the reference.

Note.—Column 25. This column should exhibit all fines imposed during the year on the persons shown in

Column 26 should exhibit the realised portion of the above fines, including realisations of fines imposed but not

Column 27 represents compensation awarded to complainants under section 545, Act X of 1882. These awards of such fines.

Compensation paid away out of realisations under section 250, Act X of of 1882, should not be entered in any

MENT 5—(CRIMINAL).

Criminal Tribunals in the exercise of Original Jurisdiction

year 18 .

Persons imprisoned in default of security for good behaviour.		Detail of punishments.																			Whipped.			Number of boys whose sentences were commuted to detention in a Reformatory School.
		Fine.[1]									Imprisonment.													
											15 days and under.		6 months and under.		2 years and under.		7 years and under.		Above 7 years.					
One year and under.	Three years and under.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.[2]	Total amount of fines realized during the year.[2]	Amount paid by way of compensation.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	10 stripes and under.	20 stripes and under.	30 stripes and under.	
17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41

on the same offender to exhibit them both. If a man has been sentenced to rigorous imprisonment with solitary but with fine, then in columns 7 and 10; if to simple imprisonment and fine, then in columns 8 and 10; to give recognizance to keep the peace under section 106, Criminal Procedure Code, then in columns 6 or 7 and 15. columns 10 and 12 and the double entries in column 15, as the persons referred to will be accounted for in other entered as convicted in Statement 4, it is necessary to note cases such as those in which fulfilment of contract is

ment to be shown in this Statement is that, if any, sanctioned by the higher Court, and the accused will be entered

columns 19-24 of the Statement, by officers in the exercise of original jurisdiction.

recovered in a previous year.

should also be shown under the head *fines* "imposed" and "realised" in columns 25 and 26, for they form part

of the Statements, except in the column for Remarks of Annual Statement 3.—(*H. C. 905, 1887.*)

No. 12A. ANNUAL STATE SHOWING THE PARTICULARS OF WHIPPINGS (*Rule No. 7 of*

PART I.

Showing Whippings inflicted under Sections 2 and 3, Act VI, 1864, in lieu *of other Punishments.*

Offences for which awarded.	Number of Stripes awarded.													
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		Total.	Remarks.
	1st Conviction.	2nd or subsequent Conviction.	1st Conviction.	2nd or subsequent Conviction.	1st Conviction.	2nd or subsequent Conviction.	1st Conviction.	2nd or subsequent Conviction	1st Conviction.	2nd or subsequent Conviction.	1st Conviction.	2nd or subsequent Conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
In lieu of other Punishment. (*Sections 2 and 3, Act VI, 1864.*)														
1. Theft, as defined in . . Section 378, I.P.C. ,, 380, ,, ,, 381, ,, ,, 382, ,,														
2. Extortion, as defined in . . ,, 388, ,, ,, 389, ,,														
3. Dishonestly receiving stolen property, as defined in . . ,, 411, ,, ,, 412, ,,														
4. Lurking house-trespass, as defined in . . ,, 443, ,,														
5. Ditto by night, as defined in . . ,, 444, ,,														
6. House-breaking, as defined in . ,, 445, ,,														
7. Ditto by night, as defined in . . . ,, 446, ,,														
8. Offence under Section 14, Act III, 1880														
												Total		

Note.—Include juveniles punished under any of these heads.

MENT 5A - (CRIMINAL).

INFLICTED BY THE CRIMINAL TRIBUNALS DURING 18 .

4th August 1882.)

PART II.

Showing Whippings inflicted in addition *to other Punishments, Sections 3 and 4, Act VI, 1864.*

Offences for which awarded.	Number of Stripes. 5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	Remarks.
1	2	3	4	5	6	7	8	9
In addition to other Punishment.								
(Sections 3 and 4.)								
A.—Section 3:—								
1. Theft, as defined in . . . Section 378, I. P. C.								
„ 380, „								
„ 381, „								
„ 382, „								
2. Extortion, as defined in . . „ 388, „								
„ 389, „								
3. Dishonestly receiving stolen property, as defined in . „ 411, „								
„ 412, „								
4. Lurking house-trespass, as defined in . . . . „ 443, „								
5. Ditto by night, as defined in . „ 444, „								
6. House-breaking, as defined in . „ 445, „								
7. Ditto by night, as defined in . „ 446, „								
8. Offence under Section 14, Act III, 1880								
B.—Section 4:—								
1. False evidence, as defined in . Section 193, I. P. C.								
„ 194, „								
„ 195, „								
2. False charge of unnatural offence, as defined in . . „ 211, „ and 377, „								
3. Assault, as defined in . . Section 354, „								
4. Rape, as defined in . . . „ 375, „								
5. Unnatural offence, as defined in „ 377, „								
6. Robbery, as defined in . . „ 390, „								
7. Dacoity, as defined in . . „ 391, „								
8. Attempt at robbery, as defined in „ 393, „								
9. Hurt in committing robbery, as defined in . . . . „ 394, „								
10. Receiving stolen property, as defined in . . . . „ 413, „								
11 Forgery, as defined in . . „ 463, „								
„ 466, „								
„ 467, „								
„ 468, „								
„ 469, „								
12. Lurking house-trespass, as defined in . . . . „ 443, „								
13. Ditto by night, as defined in . „ 444, „								
14. House-breaking, as defined in . „ 445, „								
15. Ditto by night, as defined in . „ 446, „								
					Total .			

Note.—Include juveniles punished under any of these heads.

PART III.

Showing Whippings inflicted under Section 5, Act VI, 1864, on Juvenile for Offences other than those specified in Parts I and II.

Offence.	Stripes.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	1st Conviction.	Subsequent Conviction.	1st Conviction.	Subsequent Conviction.	1st Conviction.	Subsequent Conviction.	1st Conviction.	Subsequent Conviction.	1st Conviction.	Subsequent Conviction.	1st Conviction.	Subsequent Conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
											Total			

PART IV.

Showing relative number of times Whipping was awarded, as compared with other Punishments.

Punishments.	Number.	Remarks.
1	2	3
1. Total number of whippings awarded[1]		
2. Total number of other punishments[2]		
Percentage of Whippings .		

[1] Total of column 14, Parts I and III, and of column 8, Part II.

[2] Not counting punishments of which whipping was a part, but including all cases in which whipping might have been inflicted.

Note.—In column 2, against cross-heading 2, will be entered the total number of punishments of *all sorts*, not including whippings. In the column for remarks should be entered the total number of persons on whom whipping might have been, but was not, inflicted.—(*H. C. Progs., March 1887.*)

No. 13.

ANNUAL STATEMENT 6—(CRIMINAL).

Statement showing the Result of Appeal and Revision in Criminal Cases in the during the year 18 .

Class of Tribunal.	Number of Persons.[1]												Number of Cases.			Remarks.
	Total number of Appellants and Applicants for revision, including pending from previous year.	Died, escaped, transferred.	Appeals or Applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or order otherwise altered.	Reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred to the High Court for revision.	Total whose cases were disposed of, including entries in columns 4 to 11.	Remaining at the end of the year.	Preferred during the year.	Disposed of during the year.[2]	Remaining at the close of the year.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
APPEALS																
To — From																
District Magistrates[3] — Subordinate Magistrates[4]																
Courts of Session — Magistrates[4]																
Courts of Session — Assistant Judges																
Superior Courts — by persons convicted — Presidency Magistrates																
Superior Courts — by persons convicted — Deputy Commissioners acting under Section 34, C. P. C.																
Superior Courts — by persons convicted — Sessions Judges																
Superior Courts — by Government from judgments of acquittal, Section 417 — All Courts																
Total																

REVISION																			
By	of order of																		
District Magistrates . .	Subordinate Magistrates[4] .																		
Courts of Session . . .	Magistrates[5]																		
High Court (cases referred for orders under Sections 432, 438)	Magistrates[4]																		
High Court (cases dealt with under Section 435) . .	Magistrates[4] . . . . . / Courts of Session . . .																		
	Total .																		
	Grand Total .																		

[1] Persons whose appeals were rejected under Section 421, Criminal Procedure Code, should be entered in column 4, in which District Magistrates and Sessions Judges should also include applicants for revision whose cases they refuse to submit to the High Court. In columns 5 to 10 they should show persons whose cases were disposed of by themselves without reference to the High Court, and in column 11 all persons whose cases they referred to the High Court. The result of such references will not be shown in their return, but in those of the High Court.

[2] Excluding cases in which appellant or applicant died, escaped, or was transferred.

[3] Or other Magistrates authorised to hear appeals under Section 407, Criminal Procedure Code.

[4] Including Benches of Magistrates.

Note.—The words "Applicants for revision" in the heading of column 2 of Annual Statement 6 should be held to include all persons, whether complainants or accused, on whose behalf an application for revision is made, or in whose interest the Magistrate or Judge may take steps to obtain revision on his own motion.—(*G. L. No. 3, dated 4th February 1880.*)

Note.—The words "Applicants for revision" in the heading of column 2 should be held to include only accused persons on whose behalf an application for revision is made, or in whose interest the Magistrate or Judge may take steps to obtain revision on his own motion. Where such application is made or such steps are taken, on behalf of a complainant, the fact should be noted, with the number of complainants concerned, in the column of remarks. In the latter case, the accused persons against whom the application is made, though not appearing in column 2, will fall into their proper places in columns 3 to 13 according to the result of such application. (*C. O. No. 3 of 21st February 1884.*)

No. 14. ANNUAL STATEMENT 7—(CIVIL AND CRIMINAL).

Statement showing use of Juries and Assessors in the Civil and Criminal Courts in the in the year 18 .

Classes of Courts in which Jurors or Assessors are employed, distinguishing Criminal from Civil Courts.	Established or average number of Jurors or Assessors in each case, and prescribed qualification.	Number of cases tried by Jury.	Number of cases with Assessors.	Jury Trials.					Assessors' Trials.			Remarks. (Note in what classes of cases Juries and Assessors have been principally employed.)
				Cases in which the Judge approved of the Verdict.	Cases in which the Judge did not approve of the Verdict.		Number of Persons of the Verdict in respect of whom the Judge disapproved.		Number of cases in which Judges agreed with Assessors.	Number of Cases in which Judges differed from Assessors.		
					Wholly.	Partially.	Whose cases he referred under Section 307, C. P. C.	Whose cases he did not refer under Section 307, C. P. C.		One Assessor.	Both Assessors.	
1	2	3	4	5	6	7	8	9	10	11	12	13
I.—CIVIL COURTS.												
Chief Court of District (or officer specially empowered) acting under Act X of 1870 . . Assessors .												
II.—CRIMINAL COURTS.												
Magistrates' Courts under Chapter X, C. P. C. . . . . Jurors .												
Courts of Session . . . { Jurors . Assessors .												
High Court, Original Criminal Jurisdiction . . . . Jurors .												
Total . .												

No. 15.

COMPARATIVE TABLE I—(CRIMINAL).

ORIGINAL JURISDICTION.

Statement of the Number of Offences reported, Complaints rejected, of Cases struck off as false, and of Cases returned as true during the past as compared with the preceding year.

Description of Offences.	Offences reported.		Complaints dismissed under Section 203, C. C. P.		Cases decided to be false, or in which the Offence found not to have occurred.		Cases returned as true.		Remarks.
	18 .	18 .	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8	9	10
Class I.—Offences against the State and relating to the Army and Navy—Chapters VI and VII of the Indian Penal Code .									
" II.—Offences against the Public Tranquillity—Chapter VIII									
" III.—Offences relating to Public Servants—Chapters IX and X									
" IV.—Offences against Public Justice and False Evidence—Chapter XI . .									
" V.—Offences relating to Coin, Stamps, Weights and Measures—Chapters XII and XIII									
" VI.—Offences affecting Public Health, &c., and Religion—Chapters XIV and XV .									
" VII.—Offences affecting the Human Body—Chapter XVI									
" VIII.—Offences against Property—Chapter XVII									
" IX.—Miscellaneous offences under the Penal Code—Chapters XVIII to XXII . .									
Total of offences under Penal Code .									
" X.—Offences under Special Laws . . .									
Grand Total .									

N.B.—The figures for this Statement are to be extracted from Annual Statement 2.

No. 16.

COMPARATIVE TABLE II—(CRIMINAL).

ORIGINAL JURISDICTION.

Statement showing the Number of Cases brought to trial, the Number of Persons acquitted or discharged and convicted, and the percentage convicted during the past as compared with the preceding year.

Description of Offences.	Number of Cases brought to trial during the year.		Number of Persons				Percentage convicted.		Remarks.
			Acquitted or Discharged.		Convicted.				
	18 .	18 .	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8	9	10
Class I.—Offences against the State and relating to the Army and Navy—Chapters VI and VII of the Indian Penal Code . .									
" II.—Offences against the Public Tranquillity—Chapter VIII .									
" III.—Offences relating to Public Servants—Chapters IX and X .									
" IV.—Offences against Public Justice and False Evidence—Chapter XI									
" V.—Offences relating to Coin, Stamps, Weights, and Measures—Chapters XII and XIII .									
" VI.—Offences affecting Public Health, &c., and Religion—Chapters XIV and XV . .									
" VII.—Offences affecting the Human Body—Chapter XVI . .									
VIII.—Offences against Property—Chapter XVII									
" IX.—Miscellaneous offences under the Penal Code—Chapters XVIII to XXII . . .									
Total under the Penal Code .									
" X.—Offences under Special Laws .									
Grand Total .									

N.B.—The figures for this Statement are to be extracted from Annual Statement 2.

No. 17.

COMPARATIVE TABLE III—(CRIMINAL).

ORIGINAL JURISDICTION.

Statement showing the Number of Cases brought to trial, disposed of, and pending trial in the Criminal Courts during the past as compared with the preceding year.

Courts.[1]	Brought to trial.		Disposed of.		Pending.		Remarks.
	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
Total . .							

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give separately the figures for each district within the Sessions Division.

[2] See Note 4, Annual Statement 4.

N. B.—The figures in this Statement must agree with those given in Annual Statement 4.

No. 18.

TABLE IV—(CRIMINAL).

ORIGINAL JURISDICTION.

Statement showing the Total Number of Persons under trial in Magistrates' Courts and Courts of Session during the year 18 and the Result of trial.

Detail of Courts.[1]	Under trial during the year.	Acquitted or discharged.	Convicted.	Committed or referred.	Died, escaped, transferred.	Remaining under trial.	Percentage of Persons entered in columns 3 and 4 who were convicted.	REMARKS.
1	2	3	4	5	6	7	8	9
TOTAL								

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give the figures separately for each district within the Sessions Division.

N. B.—The figures in this Statement must agree with those given in Annual Statement 4.

No. 19.

COMPARATIVE TABLE V—(CRIMINAL).

ORIGINAL JURISDICTION.

Statement showing the Number of Witnesses examined and discharged without examination, and the Amount paid as Expenses during the past as compared with the preceding year.

Courts.[1]	Number of Witnesses examined.[2]		Number of Witnesses discharged without examination.		Amount paid as Expenses.[3]		Remarks.
	18 .	18 .	18 .	18 .	18 .	18 .	
Total .							

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give the figures separately for each district within the Sessions Division.
[2] Column 25 of Annual Statement 4.
[3] Omit fractions of a rupee.

No. 20.

TABLE VI—(CRIMINAL).

ORIGINAL JURISDICTION.

Statement showing the Detention of Witnesses during the year 18 .

Courts.[1]	Number of Witnesses discharged				Remarks.[2]
	On the 1st day.	On the 2nd day.	On the 3rd day.	After the 3rd day.	
1	2	3	4	5	6
Total . .					

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give the figures separately for each district within the Sessions Division.

[2] Explain entries in column 5, and name officers before whom delay principally occurred.

Note.—Table VI is intended to exhibit not only the number of witnesses discharged after examination, but also those who were discharged without examination, as shown in Table V, column 5.—(*C. O. No. 4, dated 6th May 1880.*)

No. 21.

COMPARATIVE TABLE VII—(CRIMINAL).

Statement showing the amount of Fines imposed by the Criminal Courts, the amount realised, and the amount paid by way of Compensation during the past as compared with the preceding year.

Courts.[1]	Total amount of Fines imposed.[2]		Amount realised.[3]		Amount paid by way of Compensation.[4]		Remarks.
	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
Total . .							

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give the figures separately for each district within the Sessions Division.
[2] Column 25 of Annual Statement 5.
[3] Column 26 of ditto.
[4] Column 27 of ditto.

No. 22.

COMPARATIVE TABLE VIII—(CRIMINAL).

APPELLATE JURISDICTION.

Statement showing the Number of Appeals (Cases) preferred, disposed of, and pending in the Appellate Courts during the past as compared with the preceding year.

Appellate Courts.[1]	Preferred.[2]		Disposed of.[3]		Pending.[4]		Remarks.
	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
Total . .							

[1] District Magistrates should enter separately the designation of any officers empowered to hear appeals besides the District Magistrate. Sessions Judges should give the figures separately for each district within the Sessions Division.
[2] Column 14 of Annual Statement 6.
[3] Column 15 of ditto.
[4] Column 16 of ditto.

No. 23.

TABLE IX—(CRIMINAL).

APPELLATE JURISDICTION.

Statement showing the Result of Appeals.

Class of Courts whose orders were appealed against.	Number of persons in respect of whom appealable orders were passed.[1]	Number of persons who appealed.[2]	Number of Appellants whose Cases were decided.[3]				Ratio per cent. of column 3 to column 2.	Ratio per cent. of column 4 to column 7.	Remarks.
			Appeal rejected or sentence confirmed.	Sentence reduced, enhanced, or otherwise altered.	Sentence reversed, proceedings quashed, new trial or further enquiry ordered, or referred to the High Court.	Total.			
1	2	3	4	5	6	7	8	9	10
Subordinate Magistrates									
Special Magistrates under Section 14									
Honorary Magistrates sitting singly. 2nd and 3rd Class									
Honorary Magistrates sitting singly. 1st Class									
Stipendiary Magistrates sitting singly 2nd and 3rd Class									
Stipendiary Magistrates sitting singly 1st Class									
Benches of Magistrates									
District and Divisional Magistrates (cases referred under Sections 347, 349, C. P. C.)									
Chief Magistrates of Districts									
Total									

[1] Columns 12 and 14 of Annual Statement 4. [2] Column 2 of Annual Statement 6, less remaining at the end of the previous year. [3] Column 12, Annual Statement 6.

O. 24.

COMPARATIVE TABLE X—(CRIMINAL).

REVISIONAL JURISDICTION.

Statement showing the Number of Applications (Cases) for Revision preferred, disposed of, and pending in the Courts of Revisional Jurisdiction during the past as compared with the preceding year.

Courts to which Application for Revision was made.[1]	Preferred.[2]		Disposed of.[3]		Pending.[4]		Remarks.
	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
Total . .							

[1] Sessions Judges should give the figures separately for each district within the Sessions Division.
[2] Column 14 of Annual Statement 6.
[3] Column 15 of Annual Statement 6.
[4] Column 16 of ditto.

No. 25.

TABLE XI—(CRIMINAL).

REVISIONAL JURISDICTION.

Statement showing the Result of Applications for Revision made to the District Magistrate or Sessions Judge.

Class of Courts whose Orders were the subject of Revision.	Total number of Persons in respect of whom orders were passed.[1]	Number of Persons who applied for revision.[2]	Number of Persons whose Applications for Revision were decided.[3]				Ratio per cent. of column 3 to column 2.	Ratio per cent. of column 4 to column 7.	Remarks.
			Applications rejected or order confirmed.	Proceedings modified.	Proceedings reversed or quashed, new trial or further enquiry ordered, or referred to the High Court.	Total.			
1	2	3	4	5	6	7	8	9	10
Subordinate Magistrates									
Special Magistrates under section 14									
Honorary Magistrates sitting singly — 2nd and 3rd Class									
Honorary Magistrates sitting singly — 1st Class									
Stipendiary Magistrates sitting singly — 2nd and 3rd Class									
Stipendiary Magistrates sitting singly — 1st Class									
Benches of Magistrates									
District and Divisional Magistrates (cases referred under sections 347, 349, C. P. C.)									
Chief Magistrates of Districts									
Total									

[1] Column 17 of Annual Statement 4, and columns 5 and 6 of Annual Statement 3. [2] Column 2 of Annual Statement 6, less remaining at the end of preceding year.
[3] Column 12 of Annual Statement 6.

No. 26.

COMPARATIVE TABLE XII—(CRIMINAL).

Statement showing the Receipts and Charges of the Criminal Courts, and the Results, plus or minus, in the year 18 and 18 .

Courts.[1]	Receipts.[2]		Charges.[3]		Results, plus or minus.		Remarks.
	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
Total .							

[1] District Magistrates should give separately the total figures for each station where a Magistrate is posted. Sessions Judges should give the figures separately for each district within the Sessions Division.
[2] Column 6 of Annual Statement I, Part 4.
[3] Column 13 of ditto.

No. 27.

Register of Cases decided in the Court of *exercising the powers of*
at *in the year 18*

Serial number of the case in this Register.	Number of case in the Register of Cases instituted.[1]	Date of apprehension of accused.	Date of decision.	Number of days during which the case lasted.	Number of Persons dealt with.						Persons disposed of.							Number of Cases.		Number of Witnesses examined.	Persons sentenced to							Detail of Punishment.															Number of boys whose sentences were commuted to detention in a Reformatory School.	Remarks.
					Remaining at the end of last year.	Brought to trial during present year.					Died, escaped, or transferred.	Acquitted or discharged.	Convicted.					Brought to trial during the year.	Disposed of during the year.		Imprisonment.			Fine.	Whipping.			Fine.					Imprisonment.			Whipped.					
													On regular trial.		On summary trial.																												
						Under arrest by police.	Upon warrant.	On summons.	Voluntarily.	Received on commitment or reference.	Received by transfer.		Appealable sentence passed.	Non-appealable sentence passed.	Appealable sentence passed.	Non-appealable sentence passed.	Committed or referred.				With solitary confinement.	Without solitary confinement.	Simple.	With imprisonment.	Without imprisonment.	In addition to other punishment.	In lieu of other punishment.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	10 stripes and under.	20 stripes and under.	30 stripes and under.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44

INSTRUCTIONS.—A separate Register must be opened out for each Court, and the designation of the presiding officers and the powers exercised must be stated in the title, with a view to the entry of the figures against the proper sub-heads in column 1 of Annual Statement 4. Only cases of the kinds provided for in the Schedule attached to Annual Statement 2 should be included in this Register. The entries are to be made in it at once on the conclusion of each trial, and the persons entered will either then or afterwards, as found convenient, be noted up in the smaller Register or ledger showing persons acquitted, &c., under each head of crime. The headings of the Register, it will be observed, almost exactly correspond with the headings of Annual Statements 4 and 5. In column 20 cases brought to trial during the year will be distinguished. In column 21 a distinctive mark should be made to show cases tried summarily. In columns 36 to 39 a distinctive mark should be used to show whether the imprisonment was simple or rigorous. At the close of the year the persons concerned in the cases in the pending file must be added in the appropriate columns, 7 to 12, 20, and 22, to complete the figures for the Annual Statements.

NOTE.—Registers in forms Nos. 27, 28, and 29 are to be kept up for the purposes of the compilation of the foregoing Returns and Statements.

[1] *Vide* column 1 of "Register of all Cases instituted," Chapter III, Rule 3.

No. 28.

Register showing under each Head of Crime the Number of Persons acquitted, or discharged, or convicted in the Court of in 18 .

[Head of Crime as per Schedule attached to Annual Statement 2.]

NUMBER OF CASES IN REGISTER OF CASES DECIDED.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred.	Remarks.
1	2	3	4	5

INSTRUCTIONS.—Persons entered in columns 13 to 18 of the Register of Cases decided may be entered up under the proper head of crime in this Register at the conclusion of the trial. Those entered in column 19 as committed or referred will be entered when the result in the higher Court has been ascertained; until then, they will be treated as "pending." At the close of the year an account must be taken of the number of persons under each head of Crime whose cases are pending, in order to complete the entries to be made in Annual Statement 2.—(*C. O. No. 5, dated 14th October 1879.*)

No. 29.

Register showing under each Head of Crime the Number of Offences reported, of Cases struck off as false, and of Cases brought to trial in 18 .

[Head of Crime as per Schedule attached to Annual Statement 2.]

Number in Register of Cases instituted.[1]	Offences reported in		Complaints dismissed under section 203, C. P. C.	Other Cases struck off as false.	Brought to trial during the year.	Remarks.
	18 .	18 .				
1	2	3	4	5	6	7

Instructions.—Cases on which orders have been passed will be entered under the proper head of crime from time to time, pending cases being added in at the end of the year. Columns 2 and 3 are meant to distinguish cases reported in the previous from those reported in the current year, but the latter only will be entered in column 3 of Annual Statement 2 —(*See C. O. 5, dated 14th October 1879.*)

Note.—Registers in Forms Nos. 27, 28, and 29 are to be kept up for the purposes of the compilation of the foregoing Returns and Statements.

[1] *Vide* Column 1 of "Register of all Cases instituted," Chapter III, Rule 3.

PROCEDURE CODE.

11. [*Section 164, C. C. P.—Form for recording Confessions—C. O. No. 3 of 24th March 1880.*]—(*a*) The following form is prescribed for recording confessions of accused persons; such confessions should invariably be recorded in the printed forms (supplied by the Superintendent of Stationery).

STATEMENT OF ACCUSED PERSON.

(*Section 164 of the Code of Criminal Procedure.*)

The Statement of , aged about years,
made before me , Magistrate of the class,
at , on the day of 18 :—
My name is
My father's name is
I am by caste , and by occupation
My home is at Mouzah , Thannah
District . I reside at

(*Signature or mark of the accused.*)

I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(*Signed*) *A. B.,*
Magistrate.

12. [*Section 174, C. C. P.—Form of letter to Civil Surgeon, to be sent with Dead Bodies or Wounded Persons—C. O. No. 40 of 13th April 1857.*]—The accompanying form of a letter to the Civil Surgeon requesting him to examine wounded persons and dead bodies is to be used generally :—

From

THE MAGISTRATE

To

THE CIVIL SURGEON OF

SIR,—I have to request the favour of your examining

sent to the hospital on the . Be so good as to fill up the columns on the reverse of this letter,[1] and return it to me with such remarks as you may consider necessary to show clearly your opinion of the cause of

2. All that is at present known of the case is as follows :—

I have the honour to be,

SIR,

Your most obedient servant,

Magistrate.

MAGISTRATE'S OFFICE,

The *18* .

[1] *Form on back of the letter to Civil Surgeon.*

1	2	3	4	5	6
Nature of Injury, *i.e.*, whether a cut, a bruise, or a burn, &c., &c.	Size of each Injury in inches, *i.e.*, length, breadth, and depth.	On what part of the Body inflicted.	Slight, severe, or dangerous.	By what kind of Weapon inflicted.	Remarks.

Civil Surgeon.

HOSPITAL,

The

13. [*Section 344, C. C. P.—Form of Warrant for Intermediate Custody—Rule No. 5 of 10th June 1881 and Rule No. 5 of 4th May 1882.*]

WARRANT FOR INTERMEDIATE CUSTODY.

To the Officer in charge of the Jail of

WHEREAS son of of Village Pergunnah Police Station in the District of

(a) Here state offence and law. } is charged with (*a*)

(b) Here give date. } and has been remanded to custody until the (*b*)

You are hereby required to receive the said

(c) Here state the hour. } into your custody and to produce him before me on the said day at (*c*)

Dated the day of 18 .

Magistrate.

14. [*Section 364, C. C. P.—Form of recording Examination of Accused—C. O. No. 3 of 24th March 1880.*]—The following form is prescribed for use in recording examinations of accused persons. Such examinations should be invariably recorded in the printed forms.

EXAMINATION OF ACCUSED PERSON.

(*Section 364 of the Code of Criminal Procedure.*)

The Examination of , aged about years, taken before me , Magistrate of the class, at , on the day of 18 :—

My name is

My father's name is

I am by caste , and by occupation

My home is at Mouzah , Thannah

District . I reside at

(*Signature or mark of the accused.*)

The above examination was taken in my presence and hearing, and contains a full and true account of the statement made by the accused.

(*Signature of the Magistrate.*)

15. (*a*) [*Section 423, C. C. P.—Form of Warrant of Release on Appeal.*]

WARRANT OF RELEASE ON APPEAL.

(*Section 423 of the Code of Criminal Procedure.*)

IN THE COURT OF THE AT

To the Officer in charge of the Jail at

WHEREAS

son of of Village of

Pergunnah Police Station in the district

who was convicted by [1] of the offence of [2]

and was sentenced on the day of to

has been acquitted on appeal by Court:

You are hereby directed to discharge the said

out of your custody, unless he is liable to be detained for some other matter, and for your so discharging him this shall be your sufficient warrant.

Given under my hand and the seal of the Court, this the

day of 18 .

Sessions Judge or Magistrate.

[1] Name and official designation.
[2] Mention the offence, quoting also Act and Section.

(*b*) [*Section 426, C. C. P.—Form of Release Warrant on Bail, for Appellants in Jail.*]

ORDER BY THE SESSIONS JUDGE FOR THE RELEASE OF A PRISONER ON BAIL.

(*Sections 426 and 438 of the Code of Criminal Procedure.*)

IN THE COURT OF THE AT

To the of

WHEREAS

of an offence under Section of the

Magistrate of on the

day of 18 has been

and on to this

Court an order has been passed under Section of the Criminal Procedure Code for his release on bail until his shall have been disposed of:

You are hereby required to release the said

on good and sufficient bail

accordingly.

Given under my hand and the seal of the Court, this the

day of 18 .

Sessions Judge or Magistrate.

Accused or convicted.

By or before.

State sentence or period of remand to jail.

Appeal or application.

Case or appeal.

If the amount of bail is fixed by the Appellate Court, enter it here.

16. [*Act V of 1876—Form of Warrant for Detention in Reformatory—C. O. No. 6 of 29th June 1878.*]—The accompanying form of order is prescribed for general use under Act V, 1876.[1]

High Court, Criminal, No. 14.

ORDER OF DETENTION IN A REFORMATORY SCHOOL.

(*Sections 8 and 9 of "The Reformatory Schools Act."*)

IN THE COURT OF AT

WHEREAS
son of , resident of
Village of , Pergunnah
District , has on the day of
18 been convicted by
at
of the offence of , and
has been sentenced to imprisonment
for , which sentence he
is now undergoing in the jail at :

And whereas the said is under the age of sixteen years and is a proper person to be an inmate of a Reformatory School:

It is therefore ordered that, instead of undergoing his sentence, he be detained for a period of years in the Reformatory School at .

Given under my hand and the seal of the Court, this the day of 18 .

[1] The Sessions Judge should be informed when a juvenile, whom he has dealt with under section 7, Act V of 1876, is not admitted to the Reformatory, in order that he may substitute for the "Order of detention" a regular warrant committing him to Jail.—(*H. C. No. 1071 of 1882.*)

Every Judicial Officer should, before sentencing a juvenile to be detained in a Reformatory, ascertain whether the School can receive him.—(*H. C. No. 1234 of 1882.*)

In connection with this subject, see Government of Bengal Circular No. 46P, of 12th September 1882, and the rules under section 82 of Act V, 1876, published in the *Calcutta Gazette* of the 20th March 1878 (*H. C. Circular letter No. 1831, of 30th September 1882*). See also Government of Bengal's Circulars Nos. 17 and 18 P.-D. (Jails), of 23rd July 1883, to all Sessions Judges and District Magistrates, on the subject of vacancies in the Alipore and Hazaribagh Reformatories.

CHAPTER III.

GENERAL RUELS FOR KEEPING BOOKS, ENTRIES, AND ACCOUNTS[1] IN SUBORDINATE COURTS (*24 & 25 Vic., Cap. 104, Section 15*).

APPEALS.

1. [*Register of Appeals—C. O. No. 4 of 25th February 1873.*]—The following Register of Appeals shall be maintained in all Appellate Courts :—

Register of Appeals.

No.	Name of Appellant.	Date of filing Appeal.	From whose Orders Appeal preferred.	Abstract of Orders passed.	Final Order passed.

COMPLAINTS.

2. [*Rules for receiving Complaints—Register of Complaints—C. O. No. 5A of 7th September 1868.*]—Complaints should be received at a fixed hour each day, and should be immediately numbered in the order of their receipt. They should then be entered in a book to be kept in the form annexed.[2] This book should be kept under the special control of the Magistrate himself.

[1] For the Account Rules, *vide* Civil Rules and Orders, Chapter III.

[2] Cases under section 34, Act V of 1861, should be entered in the Magistrate's General Register of (Police) cases, as should every case sent up by the Police. Cases instituted under sections 182, 193, and 211, I. P. C., and cases sent by the Civil Courts for judicial enquiry, should be shown in the "Register of Criminal Complaints," being undoubtedly "complaints" made by private parties, or, on behalf of Government, by its officials.—(*H. C. 812 of 1882.*)

Excise cases, unless *chalaned* by the Police, must be shown in the "Register of Criminal Complaints," as also cases under sections 174, 188, and 312, I. P. C.—(*H. C. 811 of 1882.*)

4. In footnote 2, page 77, Criminal R. & O., cancel the first sentence. (*Slips, May 1885.*)

Register of Criminal Complaints.

Serial No. for month.	Date.	Name of Complainant.	Thanah.	Offence charged, and under what section of what law.	Orders passed.	Remarks.

3. [*Register of all Cases instituted—Rule No. 2 of 8th February 1882.*]

Register of all Cases instituted.

(To be kept in the Courts of Magistrates of all grades.)

1	2
Serial No. for the year.	Corresponding No. in Register of Criminal Complaints [1] or Magistrate's General Case Register.[2] and Regular cases since last Report in the first instance reports are not used

NOTE.—The object of this Register is to furnish the information required in column 2 of Register No. 27 (page 69) and in column 1 of Register No. 29 (page 71).

CONVICTIONS.

4. [*Register of Convictions—C. O. No. 5 of 5th July 1865.*]—(*a*) For the purpose of enabling Magistrates to ascertain whether parties charged before them have been previously convicted of any of the offences for which

[1] *Vide* Rule 2, *supra*. [2] *i.e.*, Register of ~~Police Cases.~~ Cases in wh. first information

To footnote 2, page 78, add the words "and Register of unimportant cases." (*Slips, May 1885.*)

enhancement of punishment is provided, on a second or subsequent conviction, by section 75, Act XLV of 1860 (Penal Code), and section 4, Act VI of 1864 (Whipping Act), and for purposes of general statistical information, Registers shall be maintained in Magistrates' offices in the following form :—

Name of the Prisoner (including his *alias*, if any).	Name of his Father.	His Residence.	Profession or Trade.	Caste.	Age or supposed Age.	Height.	Personal Marks, such as squint, lameness, loss of limb, permanent scars, &c.	Of what Offence convicted.	Date of Conviction.	Sentence passed.	Previous Conviction.	Remarks.

(*b*) These Registers shall contain the names of parties convicted of any of the crimes specified in the margin, and shall be in the language and character in use in the District Courts, varying according to the vernacular of the district. Every conviction, as sentence is passed, must be entered in the office of the Magistrate of the District by the officer whose duty it is to keep the *Register of Convictions*. In cases committed to the Sessions, the entry shall be made on sentence being passed by the Sessions Judge. If a prisoner be released on appeal, whether by the Judge or by the Magistrate, a note should be made in the column of remarks giving the date and purport of the order of the Appellate Court.

1. Offences relating to coin and Government stamps (Chapter XII, P. C.).
2. Offences against property (Chapter XVII, P. C.).
3. Giving or fabricating false evidence (secs. 193 to 195, P.C.).
4. Falsely charging any person with having committed an unnatural offence (secs. 211 and 377, P. C.).
5. Assaulting or using criminal force to any woman with intent to outrage her modesty (sec. 354, P. C.).
6. Rape (sec. 375, P. C.).
7. Unnatural offences (sec. 377, P. C.).
8. Forgery (secs. 465, 466, 467, 468, 469, P. C.).
9. Culpable homicide (sec. 304).
10. Causing grievous hurt (secs. 325, 326, 329, 331, 333, 335, 338).

(*c*) Similar Registers shall be kept up in the same manner by Sub-divisional Officers regarding the offences specified which may have been committed within their respective jurisdictions, and of which any persons may have been convicted. These officers should report to the Magistrates the entries of the past month regularly at the commencement of each successive month for incorporation in the general District Register.

(*d*) To ensure the proper preparation and keeping up of the Register, the Magistrate or other magisterial authority in charge shall require the officer, whose duty it is to prepare it, to bring the Register for his inspection and signature at least once every week.

(*e*)[1] At the close of the year an alphabetical Index of the parties convicted within the twelve months should be made for facility of reference; and at the close of every fifth year an alphabetical Index should be prepared from the alphabetical Indices of the previous five years.

(*f*) When a prisoner has been convicted more than once, a note to that effect should be made against his name in the Register opened for that purpose.

(*g*) [*C. O. No. 10 of 3rd September 1878.*]—As it is desirable to keep this Register in as compact a form as possible, and to save the trouble of re-copying, all Registers should be written in printed forms of uniform size, so that the sub-divisional returns may be added to the Magistrate's Register as they come in. The general Register should be paged and stitched as a book at the close of the year when the annual alphabetical Index is made, and at the end of five years the Registers for the previous five years with the general Index should be bound together, the whole being re-paged.

(*h*) [*C. O. No. 10 of 3rd September 1878.*]—A Cer-

[1] This clause was amended on the revision of the Cr. R. & O. in 1883.—(*Vide H. C Progs, April 1883.*)

tificate in the form subjoined shall be annexed to the Quarterly Statement A,[1] and shall be signed by the Magistrate of the District, except when he is on tour, in which case it may be signed by the officer for the time being in charge of the Head-Quarters Office.

FORM OF CERTIFICATE.

I certify that I have inspected the Register of Convictions prescribed by the High Court General Rules, Chapter III, Rule 4 (*a*), and that it has been duly written up, and that the returns from Sub-divisional Offices for the three months of the quarter of 18 have been received and incorporated.

Magistrate of the District.

(*i*) [*C. O. No. 11 of 1st November 1878.*]—Persons convicted of offences which are not punishable with whipping, or with imprisonment for a term of three years or upwards, shall not be entered in the "Register of Convictions," although the charge may have been one falling under Chapter XII or XVII of the Indian Penal Code.

COURT FEES.

5. [*Daily Register of Court Fees realized in Criminal Courts—C. O. No. 23 of 22nd December 1877.*]—(*a*) The annexed form of Daily Register of Court Fees realised, which has been prescribed for adoption by the Government of India, shall be maintained in all Criminal Courts subordinate to the High Court.

Daily Register of Court Fees realized in the

Date.	Process Fees.		Other Fees.		Total.		REMARKS.
	R	*a.*	R	*a.*	R	*a.*	

[1] *Vide* Chapter II, pages 28 to 30.

The entries in this Register are not to be made in detail, but only so as to show the total daily receipts from process fees and other fees. The entries should be initialled daily by the presiding officer.

(*b*) [*Detailed Daily Register of Court Fees realised—Rule No. 10 of 8th September 1881.*]—In order to secure the accuracy of the entries made in the above Daily Abstract Register of Court Fee Stamps, a Detailed Daily Register shall be kept in the form annexed, and the instructions given below for its preparation observed.

Serial No. of Document.	Process Fees.				Fees for administering Affidavits.		Amount realised under Act VII of 1870, Schedule I, Articles 1 to 9 inclusive.		Amount realised under the same Schedule, Nos. 10 to 12.		Amount realised under Schedule II.		Total.		Remarks.
	Fees for employment of Ameens.		Other fees.												
1	2		3		4		5		6		7		8		9
	R	a	R	a.	R	a.	R	a.	R	a	R	a.	R	a.	

INSTRUCTIONS.

This Register is meant to show in detail every document filed bearing Court Fee Stamps, except certified copies, the stamps on which should be entered in the Register of the Court or Office which issues them. At the time the stamps are first punched, a serial number should be entered on every document (including certified copies issued) immediately below the stamps, and in column 1 of this Register; in the remaining columns is to be entered the amount of the fees of each kind realised on the document. The entries in this Register must be totalled daily, and the results entered in the Daily Abstract Register.

LEGAL PRACTITIONERS.

6. [*Court's Register of Practitioners enrolled and practising therein—C. O. No. 40 of 10th December 1880.*]

—There shall be maintained in each of the Subordinate Criminal Courts a Register, in the following form, of all pleaders and mukhtyars enrolled in it under Section 8 of the Legal Practitioners Act, XVIII of 1879 :—

Register of enrolled in the Court of the at

1	2	3	4	5	6	7
No. in the High Court's Register and year of admission.	Name and Degree, if any.	Father's name.	Place where practising.	Value of Stamp on Certificate.	Date of last renewal.	REMARKS.

NOTE.—The district in which a practitioner was originally enrolled should always be stated in the column of remarks when he obtains enrolment in another district.

N.B.—In preparing this return, the names should be arranged in the order in which they stand in the High Court Registers, with a view to facilitate the checking of the return in the office of the High Court.—(*G.L. No. 16 of 14th December 1880.*)

MISCELLANEOUS.

7. [*Certain Registers to be maintained in the District Magistrate's Court—C. O. No. 4 of 25th February 1873.*]—The following Registers shall be maintained in the Court of the Magistrate of the District:—

Record-keeper's Register of Criminal Cases.

1	2	3	4	5	6	7	8
No. of Case.	Nature of Case, that is, whether bailable or non-bailable.	Names of Parties.	The crime or Offence charged.	Thanah.	Month and year.	Final Order.	Record-keeper's remarks.
							Placed in Rack No. 1, Bustah No. 4.

NOTE.—In column 7 note the final order on appeal, as well as the final order of the Lower Court against which the appeal has been preferred (*Rule No. 4 of 22nd February 1882*).

Register of References from other Districts.

No.	Name of District.	Date of receipt of Reference.	Substance of Reference.	Substance of Order passed.	Final Order passed.

Register of Miscellaneous Matters.

No.	Names of Parties.	Date of filing.	Substance of Matter.	Substance of Order and under what Law.	Final Order.

WARRANTS.

8. [*Register of Warrants of Imprisonment how to be maintained and in what form—C. Os. No. 167 of 15th May 1835, No. 11 of 1st October 1866, and No. 1 of 11th January 1871.*]—The following Register of Warrants of

Imprisonment shall be maintained in every Criminal Court :—

Register of Warrants of Imprisonment.

1	2	3		4			5
Name of Person sentenced.	Date of Sentence.	Term of Imprisonment, where the Sentence is Imprisonment.		Warrants when received back from Officer in charge of Jail.			REMARKS.
		Years.	Months.	Month.	Date.	Year.	

NOTE.—Prisoners should be entered according to the date of sentence, in chronological order. Warrants must be returned by the Officer in charge of the Jail, when completely executed, with an endorsement to that effect on the reverse.[1]

WITNESSES.

9. [*Register of Attendance of Witnesses—C. O. No. 14 of 7th April 1879.*]—The following form of Register of the attendance of witnesses is prescribed for use in the Criminal Courts of the Lower Provinces of Bengal and Assam.

[1] Each warrant, when returned after execution by the Jail authorities, should be filed with the record of the case to which it belongs, so as to form part of the record.—(*H. C. 781 of 1882*).

Both the form and the instructions have been amended on the revision of the Cr. R. and O. in 1883 (*Vide H. C. Progs. No. 119 of April 1883*).

The instructions at foot show the manner in which it is intended that the Register should be prepared.[1]

Register of the Attendance of Witnesses in the Civil and Criminal Courts.

Serial No. of Witness.	Name of witness.	Register Number of case and Names of Parties.	First appearance.		Second appearance.		Third appearance.		Total Number of Days in attendance at Court.									Examined or not.	Initials of presiding officer.	Amount paid as expenses.	Receipt of witness.
			Date of attendance.	Date of discharge.	Date of attendance.	Date of discharge.	Date of attendance.	Date of discharge.	One day.	Two days.	Three days.	Four days.	Five to seven days.	Eight to fifteen days.	More than fifteen days.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

INSTRUCTIONS.

This Register shall show all witnesses, including complainants in the Criminal Courts, who attend for the purpose of being examined in any case. A witness will be considered to have appeared on any day if he attends sufficiently early to allow of his deposition being recorded.

Columns 1 to 4 shall be filled in daily for every witness reported to be in attendance for the first time, column 5 shall be filled in when the witness is discharged for the first time, and columns 6 to 9 as may be necessary on account of the subsequent re-appearance and discharge of the same witness from time to time until the case is terminated. If any witness re-appears after being three times discharged, a new series of entries in red ink must be made in columns 4 to 9 against his name immediately under the previous entries.

Columns 10 to 18 shall be filled up when the witness is finally discharged, the initials of the presiding officer being intended to vouch for the correctness of the entries.

The number of days to be entered in columns 10 to 16 shall be calculated by reckoning the total number of days elapsing between each successive appearance and discharge, including the days on which these occurred.

In column 17 a distinctive mark should be made to show those witnesses who were finally discharged without examination, in order to assist in the preparation of the Annual Returns.

Any amount paid as expenses to witnesses should be entered in column 19, and, if the payment be made in Court, the witnesses' receipt should be taken at the time of payment in column 20.

[1] Witnesses appearing after 12 noon are not to get credit, in the Register of Attendance, for that day's appearance (*H.C., E.C., Dec. 1867*).

CHAPTER IV.

GENERAL RULES FOR PRESCRIBING TABLES OF FEES TO BE ALLOWED TO THE OFFICERS OF SUBORDINATE COURTS (*24 & 25 Vic., Cap. 104, Section 15*).

AFFIDAVITS.

1. [*Fee for administering Oaths in Affidavits—Notification, High Court, 20th September 1878, and C. O. No. 32 of 20th September 1878.*]—(*a*) It is hereby notified that, with the sanction of His Excellency the Governor General in Council, the following charge has been introduced into all Criminal Courts subject to the Appellate Jurisdiction of the High Court, and that it will be levied from and after this date, *viz.*:—

For administering the oath of the declarant in the case of any affidavit except—

(1) affidavits made by process-servers regarding the manner of service of processes;
(2) affidavits made by any public officer in virtue of his office. . . . One rupee.

(*b*) The above fee shall be paid by means of a Court Fee Stamp of not less value than the amount above prescribed, and will, therefore, be credited to Government. These fees should be shown in column 4 of the detailed Daily Register of Court Fees realised,[1] in order that it may be ascertained whether the receipts in any district are sufficient to justify the appointment of a special officer to administer oaths on affidavits.

[1] *Vide* Chapter III, Rule 5 (*b*), page 82.

CHAPTER V.

RULES MADE AND FORMS PRESCRIBED UNDER THE AUTHORITY OF SPECIAL ACTS.

COURT FEES ACT, VII OF 1870.

1. [*Rules*[1] *framed by the High Court of Judicature at Fort William in Bengal, in accordance with clause 2, section 20 of the Court Fees Act, 1870, declaring the fees chargeable for service and execution of the several processes in the Courts of Magistrates in Bengal and Assam—C. Os. No. 13 of 2nd April and No. 35 of 17th November 1879.*]

I.—The fees hereinafter mentioned shall be chargeable for serving and executing the processes[2] to which the fees are respectively attached, *viz.* :—

	R	*a.*	*p.*
(1) Warrant of arrest—			
For the warrant in respect of each person named therein . .	1	0	0

[1] Published at page 304 of the *Calcutta Gazette* of the 2nd April 1879 and at page 596 of the *Assam Gazette* of the 18th October 1879.

These rules apply only to processes served and executed by Magistrates' establishments. By this, however, it was not intended that processes issued under the orders of a Court of Session should be served without charge, as it was contemplated that such processes should always be issued by the District Magistrate at the discretion of the Sessions Judge (*H. C. 1318 of 1881*).

[2] Under clause 2, Section 68 of Act X of 1882, the Lieutenant-Governor has declared that processes issued under that Act shall be served by peons appointed under the rules framed by the High Court in accordance with section 22 of the Court Fees Act, VII of 1870. (*Vide Notification, Government of Bengal, the 11th May 1883; Calcutta Gazette, 23rd ibid, page 426.*)

Similar orders have been passed by the Chief Commissioner, Assam. (*Vide Notification, Judicial Department, No. 46 of 20th June 1883; Assam Gazette of 23rd ibid, p. 290.*)

	R	a.	p.
(2) Summons—			
For the summons in respect of one person, or of the first two persons residing in the same place .	0	8	0
In respect of every additional person named therein . . .	0	4	0
(3) Proclamation for absconding party under section 87 of the Code of Criminal Procedure—			
For the proclamation . . .	2	0	0
(4) Proclamation for witness not attending (section 87)—			
For the proclamation . . .	0	8	0
(5) Warrant of attachment—			
For the warrant	1	0	0
Where it is necessary to place officers in charge of property attached, for each officer so employed, per diem	0	4	0
(6) In cases where an application is made by a complainant for the recovery of costs awarded under section 31, Act VII of 1870, or of compensation granted under section 545, Code of Criminal Procedure, or where a defendant applies for the recovery of compensation awarded to him under section 250 of the Code of Criminal Procedure—			
For the warrant for the levy of the fine or compensation . . .	0	8	0
(7) Written order—			
For the order	1	0	0
(8) Injunction[1]—			
For the injunction	1	0	0
(9) Notice—			
For the notice	1	0	0

[1] The provisions of section 31, clauses iii and iv, Act VII of 1870, and of paras. iii and iv of these Rules, apply also to injunctions. Criminal officers are, however, reminded that injunctions in proceedings not connected with *offences* are not chargeable with any fee. An injunction under section 143, C. Cr. P., would, for example, be chargeable with the above fee; whereas an injunction under section 144 or 145 of the Code would not carry any fee (*Rule No. 10 of 26th September 1882*).

II.—Nothing herein contained shall be deemed to authorise the levying of any fee for any summons to attend as a juror or assessor in a Court of Session, and no fee shall be chargeable on any such summons.

III.—No fee shall be chargeable in advance on any process of a Criminal Court in any case where the prosecution is on the part of Government, but it shall be competent to any Magistrate in such case, if the accused is convicted, to order that such fees shall be paid by the accused, or any of them, in like manner as if such fees had been paid by the prosecutor in the first instance.

IV.—No process which comes within the operation of Rule I or VI shall be drawn up for service or execution, except upon an application made to the Court for that purpose in writing on a document bearing upon its face stamps not less in amount than the fee which is directed to be charged for serving and executing the process so sought to be drawn up. This application may, however, at the option of the party making it, be included in the petition by which he moves the Court to order the process to issue, but in that case the petition must bear the requisite stamps for the process fee, in addition to such stamps, if any, as are needed for its own validity: and, in either case, the filing of the application, thus duly stamped, shall constitute payment of the fee chargeable for the process.[1]

[1] In exercise of the powers conferred by Sections 26 and 35 of the Court Fees Act, 1870, and of all other powers enabling him in this behalf; and in supersession of Notification by the Government of India in the Financia Department, No. 1520, dated 5th March 1875, and all other Notifications on the subject, the Governor General in Council is pleased to issue the following directions:—

I.—When in any case the fee chargeable under the said Act is less than Rs. 10, such fee shall be denoted by adhesive stamps only. Such adhesive stamps shall either be the adhesive

V.—When a proclamation has been issued for an absent witness, if the witness shall afterwards appear, and the Court shall be of opinion that such witness had absconded or concealed himself for the purpose of avoiding the service of a warrant upon him, such Court may order the witness to pay the cost of the proclamation.

VI.—In the districts named in the margin, where the Sub-divisional system has not been fully introduced, in every case where a process has to be executed at a distance of more than 25 miles from the Court from which it is issued, an addition of one-fourth is to be made to the fee chargeable, and if more than 50 miles an addition of one-half.

Bengal.

Rajshahye.	Beerbhoom.
Bograh.	Cachar.
Dinagepore.	Chittagong.
Malda.	Noakhally.
Rungpore.	Singbhoom.
Bancoorah.	Nowgong.
Sylhet.	Lohardugga.
Hazareebagh.	Manbhoom.

Assam.

Sylhet.	Nowgong.

stamps bearing the words "Court Fees," at present in use, or adhesive stamps of any different shape, size, or pattern, bearing the words "Court Fees," which may hereafter be issued for use, in supersession of, or in addition to, the adhesive stamps now in use.

II.—When in any case the fee chargeable under the said Act amounts to or exceeds Rs. 10, such fee shall be denoted by impressed stamps bearing the words "Court Fees," adhesive stamps being only employed to make up fractions of less than Rs. 10.

III.—If in any case the amount of the fee chargeable under the said Act involves a fraction of an anna, such fraction shall be remitted.

IV.—This Notification shall take effect on and after the 1st June 1883 (postponed to 1st July 1883 by Notification 1236, *Gazette of India*, 2nd June 1883).

[*Notification, Government of India, No. 361 of 18th April 1883.* (*G. L. No. 2 of 11th May 1883*).]

For rules to regulate the use of adhesive and impressed stamps in accordance with this Notification, see *Calcutta Gazette*, 4th July 1883, Part I, p. 571.

VII.—In the districts named in the margin, where during a portion of the year travelling except by boat is impracticable, boat-hire may, when it has to be incurred, be charged in addition to the fees payable under Rules I and VI above. The rates at which such boat-hire shall be charged shall be fixed from time to time by the District Magistrate, and shall be sufficient only to cover on the whole the actual cost of such boat establishment as it may be necessary to maintain for the purpose of serving processes in cases not cognizable by the Police.

Jessore.	Mymensing.
Pubna.	Tipperah.
Dacca.	Noakhally.
Furreedpore.	Sylhet.
Backergunge.	

VIII.—Subject to the confirmation of the Local Government, the High Court may, by notification in the Government Gazette, on sufficient cause shown, exempt from time to time any district, or part of a district, from the operation of all or any of the above rules, and may similarly bring any district, or part of a district which may be exempt, under the operation of the same.

For paragraphs VII and VIII above, which relate only to Bengal, substitute the following paragraphs VII, VIII, and IX for processes in Assam :—

VII.—In the districts named in the margin, where during a portion of the year travelling except by boat is impracticable, boat-hire may, when it has to be incurred, be charged in addition to the fees payable under Rules I and VI above. The rates at which such boat-hire shall be charged shall be fixed from time to time by the District Magistrate, subject to approval by the Sessions Judge, and shall be sufficient only to cover on the whole the actual cost of hiring boats or of such boat establishment as it may be necessary to maintain for the purpose of serving processes in cases not cognizable by the Police.

Sylhet.	Nowgong.
Kamroop.	Lukhimpore.

VIII.—In addition to the fees payable under Rules I, VI, and VII, the amount of ferry fees, if any, which may legally be charged for ferries to be crossed by the peon serving the processes, shall be levied in cash from the party at whose instance the process is issued.

IX.—Subject to the confirmation of the Local Government, the High Court may, by notification in the Government Gazette, on sufficient cause shown, exempt from time to time any district, or part of a district, from the operation of all or any of the above rules, and may similarly bring any district, or part of a district, which may be exempt, under the operation of the same.[1]

2. [*Rules under clause 3, section 20 of the Court Fees Act, VII of 1870.*]—The following monthly salaries shall be allowed to the peons employed in the service or execution of processes in the Courts of the Magistrates :—

1st.—In the Court of the Magistrate of the District—

	R
Peons, each	7

2nd.—In Sub-divisional Magistrates' Courts—

	R
Peons, each	7

NOTE.—The rates of remuneration for peons, provided by these rules, are intended to secure the services of men who can read and write. But whenever, on the occurrence of a vacancy, candidates thus qualified shall not be available, the Court on whose establishment the vacancy exists may record a declaration to that effect, and may then appoint temporarily some person whom it may consider competent to perform the duties, and who shall be paid at the rate of R 5 per mensem in Munsifs' Courts, and R 6 per mensem in all other Courts—provided that such appointments, when made by a Court subordinate to the District Judge or the Magistrate of the

[1] No general rule can be laid down respecting the refund of the value of Court-fee stamps, in cases where the fees have been paid into Court for the issue of processes, and such processes have not issued. Each case must be left to the discretion of the Court, and decided on its merits. Where the amount is large, it may well be refunded (*H. C. 1635 of 1882*).

District, shall be subject to the approval of such Judge or Magistrate, and shall cease as soon as duly qualified candidates shall be procurable.[1]

3. [*Rules*[2] *framed by the High Court of Judicature at Fort William in Bengal, in accordance with section 22 of the Court Fees Act, 1870, for the guidance of Magistrates in Bengal and Assam—C. Os. No. 13 of 2nd April and No. 35 of 17th November 1879.*]

1st.—The Magistrate of every district shall ascertain the average number of processes issued in a year from his own Court, and from each of the Courts subordinate thereto, during three years last past.[3]

2nd.—The peons to be employed in each district shall be, in number, sufficient for the execution of a like number of processes, each peon being, for this purpose, considered capable of executing 300 processes per annum.

3rd.—In the districts named on the margin, where the peons entrusted with a large proportion of processes have to be conveyed by boat, the number of processes which each peon is expected to serve may be reduced by one-third, and the number of peons to be employed shall be calculated accordingly.

Bengal.

Backergunge.	Lukhimpore.
Dacca.	Chittagong.
Jessore.	Dinagepore.
Sylhet.	Mymensing.
Kamroop.	Rajshahye.
Nowgong.	Rungpore.

N.B.—For the districts in the 2nd column the calculation is to be made for from May to October, inclusive, only.

Assam.

Sylhet.	Nowgong.
Kamroop.	Lukhimpore.

N.B.—For Lukhimpore the calculation is to be made for from May to October, inclusive, only.

[1] The High Court approved of a practice, introduced by a District Judge, of having half-yearly examinations for peons in reading and writing; all who obtain the stipulated number of marks are entered in a register of selected candidates, and are brought on the establishment as appointments fall vacant. This resulted in the appointment of a very superior class of men (*H. C. Progs., March 1883*).

[2] Published at page 304 of the *Calcutta Gazette* of the 2nd April 1879, and at page 596 of the *Assam Gazette* of the 18th October 1879.

[3] To calculate the maximum number of peons to be employed, each copy of a process should be taken as one process, whether the copies are to be served in the same village or in different villages (*H. C. 2288 of 1882*). But a smaller number should be employed, when sufficient for the work.

4th.—Where it appears advisable to the Magistrate of the District, he may authorise the appointment of such number of peons on the whole for all the Courts in his district as may suffice for executing the total number of processes of those Courts, and may from time to time apportion such peons, according to need, among such Courts.

5th.—When it appears to the District Magistrate that the number of processes issued out of any Court or Courts in the district has increased by 10 per cent., he shall be competent to make a corresponding increase in the number of peons, and if there shall be a diminution to the like extent, or if he should be satisfied that the processes of all or any of such Courts can be executed by a smaller number of peons, it shall be his duty to make a reduction accordingly.

4. [*Certain Processes not chargeable with fees.*]—No fee shall be chargeable for serving and executing any process, such as a notice, rule, summons, or warrant of arrest, which may be issued by any Court of its own motion, solely for the purpose of taking cognizance of, and punishing any act done, or words spoken, in contempt of its authority.[1]

5.[2] [*Act VII of 1870, Section 30.—Instructions regarding the cancellation of Court-fee Stamps.—Rule No. 11 of 16th October 1882 and Rule No. 2 of 31st August, 1883.*]—(*a*) Too strict a compliance with the

[1] This Rule is Rule II of the Rules under clause 1, section 20, Court Fees Act, 1870, which otherwise apply only to Civil Processes.

[2] This Rule reproduces the following Civil Circulars, and xtends them to Criminal Courts, *viz.*:—

C. O. No. 5 of 24th February 1874.
Rule No. 11 of 10th June 1882.
C. O. No. 19 of 28th April 1880.
G. L. No. 16 of 18th September 1876.
" No. 5 of 21st April 1880.

provisions of section 30 of the Court Fees Act cannot be enjoined, and in all cases it should be carefully seen that the figure-head of the Court-fee stamps is punched out, and the piece destroyed, before any action is taken upon the documents to which the stamps may have been attached.

(*b*) Every applicant for a copy shall, with his application, present the folio or folios necessary for such copy; and also the Court-fee stamp required for such copy by the law[1] for the time being in force. If the application be allowed and the copy made, the proper officer shall, before issuing the copy, punch such Court-fee stamp in the manner directed by paragraph 4 of the Circular Order of the Board of Revenue, reproduced in clause (*c*). If the application be disallowed, or if, before the copy is made, the applicant intimate that he does not require it, such Court-fee stamp may be returned to him,—a note of this having been done being made in the Register and signed by the proper officer and the applicant.

(*c*) By Resolution (Financial) No. 1763, dated 24th July 1873, the Government of India directed that the record-keeper of every Court should, when a case was decided and the record made over to his custody, punch a second hole in each Court-fee label, distinct from the first, and note his doing so at the same time. District and Sub-divisional Magistrates must require this order to be strictly carried out in future. Attention is called to the Circular Order of the Board of Revenue quoted below, and to the necessity for seeing that all stamps are punched and registered before they are received or acted on. As petitions have to be taken in open Court, some person should be in attendance there to punch and

[1] See Articles 6, 7, 8, and 9 of Schedule I of the Court Fees Act, 1870.

register the stamps in presence of each Magistrate, immediately before the petitions are handed to him.

Circular Order issued by the Board of Revenue, Lower Provinces, No. 5 of October 1878.

It having been brought to the notice of the Board that the provisions of section 30 of the Court Fees Act, VII of 1870, regarding the cancellation of stamps, and the rules prescribed by Government on the same subject, are not in all cases strictly observed, the Board believe that it will be useful to recapitulate and publish collectively the several rules and orders which have from time to time been issued for the guidance of all officers concerned.

2. Every Court and officer before whom a document requiring a stamp under the Court Fees Act is produced, is bound to see that the figure-head of the stamp is punched out and destroyed before taking action on the document (Government of India's Order, Financial Department, No. 831, dated 31st January 1874; Board's Circular Order No. 4 of February 1874).

3. After a case is decided, the record-keeper of every Court is required to punch a second hole on each stamp, distinct from the first, and to note the date of his doing so at the same time. The second punching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature. If the hole which was first punched is round, the second hole should be either square or triangular (Government of India's Order, Financial Department, No. 1763, dated 24th July 1873; Board's Circular Orders No. 3 of August 1873, and No. 3 of October 1873).

4. In the case of copies, certificates, or other similar documents liable to be stamped under the Court Fees Act, the Court or office issuing them is required, before issue, to cancel the labels affixed to them by punching out a portion of the label in such a manner as to remove neither the figure-head nor that part of the label upon which its value is expressed; and as an additional precaution, the signature of the officer attesting the document, with the date, should be written across the label and upon

the paper on either side of it (Government of India's Order No. 3373, dated 24th September 1875; Board's Circular Order No. 4 of November 1875).

5. An impression apparently exists that the hole which is punched by the issuing Court or office on the stamp-label affixed to copies, certificates, &c., under the order cited in the preceding paragraph, does away with the necessity of cancellation, by punching out the figure-head under section 30 of the Act, by the Court or office in which the copy or certificate, &c., may be produced or filed; but this view is incorrect, and it will be readily understood that the orders in question cannot override the express provision of the Act.

6. It will therefore be observed that, under the orders now in force, all Court-fee stamps must be punched at least twice if they go into the record-room,—*first*, there is the punch required by section 30 of the Act; and *secondly*, the square or triangular punch of the record-keeper. But if a stamped copy of a document is filed with the record in a judicial proceeding, it must be punched three times,—*first*, by the issuing Court or office; *secondly*, by the receiving Court or office; and *finally*, by the record-keeper.

7. The heads of Courts or offices in which stamps are used or filed are required to cause an inspection to be made, at least once a quarter, of all papers and documents in the records of the Court or office that require adhesive labels, in order to ascertain that the stamps have been properly punched and defaced, and have not been subsequently removed from the documents in which they were used (Board's Circular Orders No. 3 of October 1873, and No. 7 of November 1875).

(*d*) Government having directed the Inspector-General and Inspectors of Registration to examine record-rooms of the various Courts in the Mofussil, in order to see how far the rules and instructions on the subject of the punching, custody, and sale of stamps are carried out, every assistance should be afforded by Judicial Officers to those officers in the discharge of their duty.

(*e*) Government having ordered that, on the discovery of any irregularity in respect of punching or otherwise defacing Court-fee stamps, the inspecting Registration Officer should at once bring the matter to the notice of the presiding officer of the Court, such officer should go into the matter at once, and thus trace the person who is responsible for the omission pointed out by the inspecting officer.

OATHS ACT, X OF 1873.

6. [*Forms of Oaths, &c., for Witnesses, Interpreters, and Jurors—C. O. No. 12 of 7th June 1873.*]—(*a*) The following forms of oaths and affirmations are prescribed by the High Court of Judicature at Fort William in Bengal under section 7, Act X of 1873.

(*b*) The same forms shall be used in Criminal as in Civil cases.

(*c*) Christian witnesses, interpreters, and jurors, to whom oaths are administered, are to be sworn upon the New Testament.

(*d*) In other cases the oaths are to be administered upon such symbol, or accompanied by such act as may be usual, or as such witness, interpreter, or juror may acknowledge to be binding on his conscience.

FOR WITNESSES.

Oath.

I swear that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

So help me God.

Affirmation.

I solemnly declare that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

BENGAL SECRETARIAT LIBRARY.

FOR INTERPRETERS.

Oath.

I swear that I will well and truly interpret, translate, and explain all questions and answers, and all such matters as the Court may require me to interpret, translate, and explain.

So help me God.

Affirmation.

I solemnly declare that I will well and truly interpret, translate, and explain all questions and answers, and all such matters as the Court may require me to interpret, translate, or explain.

FOR JURORS.

Oath.

I swear that I will justly and truly try and determine the questions submitted to the Jury in this case, and will give a true verdict according to the evidence.

So help me God.

Affirmation.

I solemnly declare that I will justly and truly try and determine the questions submitted to the Jury in this case, and will give a true verdict according to the evidence.

DESTRUCTION OF RECORDS ACT, III OF 1879.

7. [*Rules for the Destruction of Records—Rule No. 13 of 4th December 1882.*]—The following rules, made under the authority conferred by section 2, Act III of 1879, are laid down for the guidance of the Subordinate Criminal Courts in the destruction of useless records and papers :—

Records of Criminal Trials.

The periods for which the records shall be preserved shall be as follows :—

I.—In (*a*) Sessions trials and appeals to the Court

of Session, and (*b*) non-bailable Magistrates' cases, the "material portions" of the record which have been marked off for preservation in the fly-leaf prescribed by Rule 50, Chapter VI, General Rules and Circular Orders (Criminal), shall be preserved . . . *14 years.*

NOTE.—By the "material portions" are meant papers bearing on the offence charged, and material to elucidate or justify the decision; such as—

1. Papers to show how the proceedings were initiated, *e.g.*, petition of complaint, or first information to the police.
2. Examination of any witness taken on commission.
3. Confessions or statements of accused before trial.
4. Depositions of witnesses, and statements of accused in the course of the trial.
5. Finding, sentence, and judgment.

II.—In possession cases under Chapter XII, C. C. P., the material portion . . . . . *7 years.*

III.—In security cases under Chapter VIII, C. C. P., the material portion . . . . . *5 years.*

IV.—In (*a*) all miscellaneous cases not included in II and III, and (*b*) Magistrates' bailable cases, the material portion . . . . . *2 years.*

V.—In cases of all the above descriptions, the second or non-material portion of the record, which has been separately indexed in the fly-leaf . . . *2 years.*

Such as—

1. Police and other reports.
2. Process record, consisting of returns of summons, warrants, and notices, and the like.
3. Vakalatnamahs and mukhtyarnamahs, except General Powers-of-Attorney.
4. Miscellaneous petitions filed in the course of trial.

N.B.—Rules I to V must be read in connection with Rule VI.

VI.—In cases in which the accused has been acquitted, or in which the accused has been executed under a capital sentence . . . . . *1 year*

VII.—The following records shall not be liable to destruction:—

1. Record of any case in which the sentence has not expired.
2. Record of any case in which any of the accused or parties proceeded against has not been apprehended.
3. Record of any case in which the accused has been convicted of an offence, a repetition of which renders the offender liable to whipping or to enhanced punishment.

VIII.—Sessions Judges and Magistrates may, at their discretion, preserve any particular paper, or the record of any particular case, beyond the above periods.

Exhibits.

IX.—Exhibits, *i.e.*, documents admitted and used, shall in no case be destroyed.

X.—To every copy of a judgment given to any of the parties to a case, a notice shall be attached, calling upon him or them to withdraw his or their documentary evidence as soon as the judgment shall become final. In such cases, no separate notice under Rule XII will be required.

XI.—When exhibits are separated from the records for permanent preservation, as provided for in Rule 50(*b*), Chapter VI, they shall be tied up in a parcel with the detailed index sheet of documents required by that rule; and a number shall be attached to each parcel, which shall be noted on the fly-leaf or general index sheet of the record required by Rule 50 (*a*), Chapter VI, to facilitate the finding of these documents if subsequently claimed.

XII.—On the judgment becoming final, notice shall, whenever practicable, be given to the person or persons on whose behalf they were brought into Court, requiring

him or them to take them back into his or their own keeping within six months from the date of the notice;[1] and copies of the notice shall be put up in the Courts of the Sessions Judge and District Magistrate, and in the Court in which the case was tried; or if such Court have been abolished, in such other Court or Courts as may be exercising jurisdiction in its place.

XIII.—When returning documents, Judicial Officers must take care that documents which the Court has impounded are not delivered out of the custody of the Court.

XIV.—Sessions Judges and District Magistrates must make the best arrangements for the custody of the documents removed from the records that circumstances admit of; the notices must distinctly warn the owners that they will be kept at their risk, and that the Court declines all responsibility for them.

Papers other than Records of Cases.

XV.—Office copies of all periodical statements submitted to the High Court shall be destroyed at the expiration of the following periods:—

(*a*) Monthly and quarterly statements, 3 years.

(*b*) Half-yearly and annual statements, 7 years.

XVI.—In respect of—

(*a*) Periodical statements received from the Lower Courts.

(*b*) Proceedings of other Courts and offices forwarding notices, &c.

(*c*) Proceedings of the Lower Courts calling for records asking for information, &c.

(*d*) Reports from ministerial officers not relating to particular cases.

[1] These notices should be served free of cost; arrangements should be made for their service gradually, as the duty of process peons takes them to the neighbourhood of the residence of the parties to be served. Pleaders of the parties concerned may be served with the notices. Copies must also be suspended in the Court-houses.—(*H. C. 973 and 1850 of 1883.*)

Judges and Magistrates must exercise their discretion in preserving reports, returns, and proceedings likely to be useful in the future as containing the results of enquiries or other information, or the opinions of experienced officers on matters connected with the general administration of justice.

General.

XVII.—The destruction of all records and papers of the Criminal Courts, which is hereby directed, shall be carried into effect by burning. The practice of selling them as waste paper, which the Court understands to prevail in some districts, is prohibited. Sessions Judges and Magistrates must adopt such precautions as will satisfy them that the papers set aside for destruction are not otherwise dealt with.

XVIII.—The above Rules shall be acted on from year to year at the close of each calendar year, so that no accumulation, beyond the periods prescribed, may be allowed to occur.

XIX.—The above Rules must be read in connection with the provisions of section 8, Act III of 1879.

LEGAL PRACTITIONERS ACT, XVIII OF 1879.

For Rules under this Act, see Civil Rules and Orders, Chapter IV, Rules 13 to 18.

CHAPTER VI.

CIRCULAR ORDERS OR INSTRUCTIONS TO THE SUBORDINATE CRIMINAL COURTS FOR THEIR GUIDANCE IN MISCELLANEOUS MATTERS NOT FALLING WITHIN THE PURVIEW OF 24 & 25 VIC., CAP. 104, SEC. 15.

N.B.—Matter not classified under the sections of the Code of Criminal Procedure is arranged after matter so classified, and in alphabetical order.

1. [*Section 72, C. C. P.—Service of Summons upon persons in the employment of Government.*]—(*a*) [*C. O. No. 14 of 6th December 1866.*]—Whenever a summons to appear as a witness in a criminal case is issued against an Officer of Police, it shall be served upon such Officer through the Superintendent of the District, or the Assistant in charge of the Sub-division to which such Officer may belong.

(*b*) [*C. O. No. 1 of 10th January 1868.*]—All summons on Medical Subordinates at Sub-divisions must be served through the Magistrate or other executive Head of the district, in order to enable him, in communication with the Civil Surgeon, to make arrangements for the conduct of their medical duties during their absence.

(*c*) [*C. O. No. 24 of 24th June 1878.*]—Whenever it may be necessary to summon an Officer or Soldier in Military employ to attend a Criminal Court as a witness, the process-server, who is to serve the summons, must be instructed to take it under cover to the Officer in Command of the regiment or detachment with which the witness may be serving, and to apply for his assistance in serving it. With this assistance, the

process-server shall then proceed to serve the process, and shall make his return direct to the Court. In such cases sufficient time should always be given to admit of arrangements being made for the relief of the witness summoned.

(*d*) [*C. O. No. 8 of 22nd August 1878.*]—When Jail or other Departmental Officers of Government who reside in the station are summoned as witnesses, arrangements should be made to send for them only when actually wanted.

2. [*Section 88, C. C. P.—Sale of Revenue-paying Land attached by Magistrate upon the absconding of an Accused Person—C. O. No. 7 of 17th August 1878.*]—The Board of Revenue have, at the instance of the Court, issued the following instructions (*vide* Board's C. O. No. 9 of July 1878) to Collectors in connection with the attachment and sale, under section 88 of the Criminal Procedure Code, of land paying revenue to Government:—

"The High Court have represented that Collectors of Districts, who hold sales of land paying revenue to Government from time to time, could more conveniently and advantageously hold sales of such attached land as is above referred to, situated within their jurisdictions, than could Magistrates, especially in cases where the Magistrate is in another district. The Board therefore direct that Collectors will in future comply with the requisitions of Magistrates to hold sales in such cases; and it is further directed that in these cases the procedure in respect of advertisement, sale, and delivery of possession, in the case of sales in execution of decrees of Civil Courts under Act XIV of 1882 (The Code of Civil Procedure), may be strictly followed."

3. [*Section 90, C. C. P.—Witnesses not to be treated as Criminals—C. O. No. 21 of 22nd November 1864.*]—Witnesses brought up under arrest should be dealt with, not as criminals, but simply as persons arrested on civil process.

4. [*Section 93, C. C. P.—Language to be used in Warrants of Arrest—C. O. No. 3 of 25th July 1872.*]—Warrants of arrest issuing out of a Magistrate's Court

should be written "in the language in ordinary use in the district in which it is held," that is to say (with certain exceptions), the language in which the proceedings of the several Courts are conducted. But where a warrant is sent for execution to the Magistrate of a district where a different language is in ordinary use, the warrant should be accompanied by a translation, certified by the transmitting Magistrate to be correct, into such other language, or into English. Moreover, in such cases it would be proper that the warrant should always be accompanied by a letter in English requesting its execution.

5. [*Section 202, C. C. P.—Caution against the indiscriminate use of the Police for the investigation of Complaints—C. O. No. 7 of 20th July 1871.*]—Magistrates are cautioned against the indiscriminate use of Police agency for the purpose of ascertaining matters as to which a Magistrate is bound to form his own opinion upon evidence given in his presence. This caution is especially needful in respect of cases triable under the 20th chapter of the Code of Criminal Procedure and all cases regarding offences not cognizable by the Police.

6. [*Chapter XVIII, Section 210, C. C. P.—Some of the persons implicated in the commission of the same offence should not be tried by the Magistrate, whilst others are committed to the Sessions—C. O. No. 100 of 27th May 1862.*]—When several persons are accused of the commission of the same offence, it would be obviously inconvenient if a Magistrate were to punish some and commit others to the Court of Session; and, as the Code does not seem to contemplate such procedure, the Magistrate should, if he considers the case to be one for the Sessions, commit all those concerned for trial before that tribunal.

7. [*Chapter XVIII, C. C. P.—Magistrate's Record of Commitment to consist of what papers—C. O. No. 1 of 23rd January 1872.*]—When a commitment is made to the Court of Session, the record of the Magistrate is to include—

First.—The proceeding by which the case is originated in the Magistrate's Court.

Secondly.—All papers showing the steps taken under the authority of the Magistrate upon the complaint; the summons, if any, and its return; the warrant and the return, or other documents showing how and when it has been executed; also any search-warrant, and the report showing how it has been executed.

Thirdly.—The report, if any, on such enquiry as that under sections 174 and 202.

Fourthly.—The orders, if any, sanctioning the prosecution, when such sanction is necessary.

Fifthly.—The order, if any, withdrawing the case from one Court or transferring it to another Court.

The papers on the record of the Magistrate are not evidence in the Court of Session either for or against the accused, except so far as they are formally put in at the trial and accepted by the Court as evidence.

8. [*Chapter XVIII, C. C. P.—Directions for the guidance of Magistrates in making Commitments to the Court of Session—C. O. No. 5 of 14th October 1879.*]—

(*a*) Whenever a case is committed to the Court of Session, the names of the witnesses shall be entered on the back of the copy of the charge which has to be forwarded to that Court under section 218 of the Code of Criminal Procedure. This copy shall be placed by the Sessions Judge at the beginning of the record of the trial in his Court.

(*b*) The observations or judgment of the Magistrate

in committing the prisoner shall always go up in original with the record, and they, with the original depositions, should be read by the Judge before the trial. Abstracts of the evidence are considered unnecessary, and they are at times misleading.

(*c*) Magistrates should be careful to arrange their commitments with a view to the trials taking place at the earliest or next ensuing Sessions, in order to avoid the needless detention of accused persons for prolonged periods.

(*d*) Whenever a commitment is made, intimation shall be immediately given to the Court of Session, through the Magistrate of the district, by a letter in the following form :—

FROM

THE MAGISTRATE OF

TO

THE SESSIONS JUDGE OF

SIR,—I beg to report that I have this day committed, to take his trial before the Court of Session, the person named in the margin on the charge specified below.

I have, &c.,
A. B.,
Magistrate (as the case may be).

(*Charges should follow here.*)

(*e*) It will be unnecessary for the Court of Session to send any answer fixing a date for the trial, but the Judge will be guided by the information which he thus receives in estimating the time which it will be necessary to devote to the Criminal Sessions, and consequently at what period he will be able to take up Civil business thereafter.

(*f*) Prosecutors and witnesses should be bound over to appear "at the next Criminal Sessions commencing on "

(*g*) It will be the duty of the Magistrate, in order to prevent hardship and unnecessary detention to such persons, so to arrange the coming on of cases before the Court of Session that such parties may not be brought from their homes to the Sudder Station before they are actually required, and that they should have written notice of the specific date on which their attendance will be necessary, and it should be carefully explained that failure to attend will be severely dealt with.

(*h*) The directions herein contained for committing Magistrates are to be observed, so far as they are applicable, by Civil Courts and other authorities committing persons for trial at the Sessions.

(*i*) At each periodical Sessions all persons awaiting trial shall be brought before the Judge in open Court; and, if the Government prosecutor is not prepared to go to trial in any particular case, he should be required to show cause, properly supported, why the accused should not be acquitted and released, the accused himself being also heard in answer to such cause shown.

(*j*) Sessions Judges are reminded that trials must not be too lightly postponed.[1] It cannot be too often pointed out that a further detention of an accused person

[1] A Sessions Judge is not authorised to postpone, to a subsequent Sessions, cases of which he has received notice before the commencement of the Sessions *next* ensuing, on the ground that the number of days which he has assigned for that particular Sessions have been filled up. The number of days devoted to Sessions duties must depend upon the number of cases committed in due time. All commitments of which he receives timely notice before the commencement of a Sessions should be disposed of at that Sessions; unless, of course, there is some good reason for postponement in particular instances (*H. C. 1685, 1882*).

in jail for perhaps two months is in itself no trivial infliction, and is only justified when there is apparently a good case against the prisoner, and when the Judge is satisfied that, for the ends of justice, it is necessary to postpone the trial.

9. [*Chapter XVIII, C. C. P.—Instructions as to cases where Death has ensued, but it is doubtful whether the offence of Culpable Homicide has been committed—C. O. No. 9 of 6th September 1869.*]—In cases where death appears to have resulted from injuries voluntarily inflicted by the party accused, Magistrates ought to be very careful not to take it upon themselves to absolve the accused from the graver charge, and convict of hurt or grievous hurt only, unless they are quite clear that there is no suffi cient evidence to warrant a commitment to the Sessions for murder, or culpable homicide not amounting to murder.

10. [*Chapter XIX, Section 238, C. C. P.—Framing of separate minor charges—C. O. No. 9 of 26th August 1878.*]—Under the provisions of section 238 of the Criminal Procedure Code of 1882, it is unnecessary to frame separate charges in respect of minor offences of the same class included in an offence of a graver character with which an accused person is charged.

11. [*Chapter XX, C. C. P.—Evidence of Witness who appears to be giving False Evidence to be recorded at length in the vernacular—C. O. No. 4 of 30th March 1864.*]—When, during the investigation of a complaint under Chapter XX of the Code of Criminal Procedure, it may appear to the Magistrate that a witness is giving false evidence, so that criminal proceedings against such witness are likely to be necessary, the Magistrate will exercise a sound discretion in taking down, under section 359, at least the evidence of this particular witness

at length in the manner prescribed in sections 356, 357, and 360.

12. [*Chapter XXII, C. C. P.—Record in Summary Trials—C. O. No. 3 of 8th July 1876.*]—(*a*) A Magistrate, trying an offence summarily, and passing a sentence from which an appeal lies, should not make the record required by section 264 of the Code of Criminal Procedure as an entry in the Register prescribed by Section 263, and then, on the Appellate Court calling for the record of the trial, cut out and send up the portion of the Register containing this entry. The practice of mutilating official Registers is open to the gravest objection and is strictly prohibited; there is no warrant for it in the law.

(*b*) Section 263 of the Code of Criminal Procedure directs that a Register shall be kept for a certain purpose, namely, for the purpose of entering such particulars as are specified in the section, *in cases where no appeal lies.* The provisions of this section do not apply to any other cases.

(*c*) The judgment required to be drawn up in *appealable cases* under section 264 is to contain the particulars mentioned in section 263 and something more, namely, the substance of the evidence on which the conviction was had. But it is not to be entered in the *Register of non-appealable cases*, and is evidently intended to be in a separate form, so that, when necessary, it may be submitted to the Court of Appeal.

13. [*Chapter XXII, C. C. P.—Inspection of Registers of Summary Trials—C. O. No. 1 of 11th January 1881.*]—District Magistrates should satisfy themselves from time to time that the law regarding Summary Trials is properly observed, and especially that Magistrates do not exceed their jurisdiction—a duty which may most

conveniently be performed by an occasional and not infrequent examination of the Registers of Summary Trials.

14. [*Chapter XXIII, Section 287, C. C. P.—Examinations of Accused Persons, Depositions, &c., how received in Evidence at a Sessions trial—C. O. No. 11 of 2nd September 1867.*]—(*a*) The "examination of the accused" which, by section 287 of the Code of Criminal Procedure, shall be tendered by the prosecution and read as evidence, should be put in *before the accused is called upon to enter on his defence.*

(*b*) So also should be the deposition of a Medical witness which "may be given in evidence" (section 509); and the deposition of a witness in a case in which it "may be given in evidence" under section 33 of the Evidence Act (if it is considered desirable on the part of the prosecution to put in such examination).

(*c*) Before examinations are received as evidence under any of these three sections, care must be taken to see that they are in proper form and duly attested, or otherwise strictly proved. And, under section 33 of the Evidence Act, I of 1872, the examination cannot be given as evidence unless it is proved that the witness, whose examination it is proposed to put in, is dead, or the Court is satisfied that for sufficient cause his attendance cannot be procured.

(*d*) Such examinations when so received are to be detached from the proceedings in the preliminary enquiry and *annexed* to the RECORD of the TRIAL.

(*e*) [*Confessions to be translated—C. O. No. 4 of 10th August 1872.*]—When confessions or examinations of accused persons made before a Magistrate form part of the evidence against the persons committed for trial to the Court of Session, they should be accompanied by

translations into English fairly written out. No more than one confession or one examination should be written on each sheet of paper.

15. [*Sections 297 and 309, C. C. P.—Remarks on Commitments—C. O. No. 14 of 3rd December 1870.*]—As a general rule, the communication to the officers concerned of any remarks which Sessions Judges may make on commitments made to them is neither necessary nor even very desirable, and should be made in cases the peculiar circumstances of which appear to render necessary the adoption of such a course, but need not invariably take place.

16. [*Section 307, C. C. P.—Instructions as to references to High Court, when Sessions Judge disagrees with Jury—C. O. No. 2 of 23rd March 1878.*]—In cases in which the Sessions Judge has disagreed with the verdict of the Jury, no delay should be permitted to occur in the submission of the records with the Sessions Judge's letter of reference. It is open to the Government Pleader, and to the pleader for the accused, to make notes of the evidence as the case proceeds. If after the trial is concluded, copies of any part of the proceedings are required, it will be necessary that they should be made, on application, in the High Court, after receipt of the record.

17. [*Section 309, C. C. P.—Opinion of Assessors how to be recorded—C. O. No. 4 of 23rd June 1865.*]—The record of the opinion of each Assessor should appear at the commencement of the judgment of the Sessions Judge. It is not, in the Court's opinion, sufficient that this record should contain a mere verdict of guilty or not guilty, or proven or not proven; what the Court require is not only the result arrived at by each Assessor sitting on a Sessions trial, but, if possible, the reasons

by which each Assessor arrived at that result,—that is, the grounds of his opinion. While avoiding prolixity, a Sessions Judge should be careful to be intelligible and precise in recording such opinions.

18. [*Section 340, C. C. P.—Employment of Mukhtyars and other persons to assist Accused Persons in their Defence—C. O. No. 13 of 29th August 1870.*]—Magistrates should not, by the indiscriminate exclusion of persons who are invested by law with a distinct professional status in criminal trials, deprive parties of legal aid which they can frequently obtain at a moderate cost.

19. [*Chapter XXV, C. C. P.—Evidence to be recorded legibly—C. O. No. 2 of 13th August 1862.*]—(*a*) Difficulty having been frequently experienced in reading the evidence of witnesses, the attention of all Criminal Officers is called to the necessity of carefully writing such evidence in a legible manner.

(*b*) In the case of trials forwarded to the High Court in which, from any cause, the evidence has been indistinctly or illegibly recorded, *copies* of such evidence should be submitted with the record of the case.

20. [*Chapter XXVI, Section 367, C. C. P.—Charge to the Jury need not be written before being delivered—C. M. No. 2 of 4th March 1875.*]—(*a*) It is not necessary that the direction to the Jury should be reduced to writing before delivery; but it is essential that the "heads of the charge" (section 367) placed upon the record should represent with absolute accuracy the substance of the charge, and be such as to enable the High Court, in the event of an appeal, to see distinctly whether the case was fairly and properly placed before the Jury.

(*b*) [*C. O. No. 5 of 21st September 1880.*]—Sessions Judges should, in order to assist the enquiries of the Dis-

trict Magistrates regarding the cause of an acquittal in the Sessions Court, set forth clearly in the judgment what, in their opinion, has led to that result.

21. [*Section 372, C. C. P.—Copies of charges, depositions, final orders, &c., exempted from Stamp-duty in the case of Appellant-prisoners—Notification, Government of India, No. 2520 of 5th April 1872*]—(*a*) In the exercise of the powers conferred on him by section 35 of the Court Fees Act, 1870 (No. VII), the Governor General in Council is pleased to exempt from stamp-duty copies of final sentences or orders passed by Criminal Courts which parties, desirous of appealing from such sentences or orders, are required by section 419 of the Code of Criminal Procedure to file with their petition of appeal, provided that the party who is desirous of appealing is in confinement under the operation of the sentence or order at the time that he applies for a copy of the same.

(*b*) This exemption will also extend, under the same circumstances, to copies of the judgment or reasons for passing or making such sentence or order as above.

(*c*) [*Notification of Government of India, No. 996 of 6th June 1873.*]—In exercise of the power conferred by section 35 of the Court Fees Act (VII) of 1870, the Governor General in Council is pleased to remit the fees leviable on the undermentioned documents.—

1. Copy or translation of the charge furnished to an accused person under section 210 of the Code of Criminal Procedure.
2. Copies of depositions furnished to accused persons under section 548 of the said Code.
3. Copy of the judgment or order passed by a Criminal Court, and of a Judge's charge to the Jury, furnished under section 548 of the said Code to any person affected by such judgment or

2 For clause (*c*), Rule 21, Chapter VI, pages 117 and 118, Criminal Rules and Orders (1883), substitute the following —

(*c*.) [*Notification of Government of India, No. 1443 of 2nd November 1883.—C. O. No. 2 of 26th January 1884.*]—In supersession of Home Department Notification No. 996, dated the 6th June 1873, and in exercise of the power conferred by Section 35 of the Court Fees' Act, 1870, the Governor General in Council is pleased to remit the fees leviable on the following documents, namely :—

1. Copy of the charge given to the accused under Section 210 of the Code of Criminal Procedure (Act X of 1882).
2. Copy of the evidence of witnesses given to the accused under Section 219 of the Code.
3. Copy of the judgment in any case other than a summons case, or of the heads of the charge to the Jury, given to the accused under Section 371 of the Code.
4. Copy of an order of maintenance given under Section 490 of the Code.
5. Copy of the Judge's charge to the Jury, or of any order or deposition or other part of the record furnished free of cost to a person affected by a judgment or order under Section 548 of the Code.

order, provided that such person is in jail, or the Court, for some special reason, sees fit to grant such copy free of expense.[1]

4. Copies of the examination of witnesses given to accused persons under section 219 of the said Code.

5. Copies of the charges given to accused persons under section 226 of the said Code.

6. Copies of orders of maintenance given under section 490 of the said Code.

(*d*) [*Notification of Government of India, No. 1361 of 24th June 1881—C.. O. No. 9 of 7th September 1881.*]—In exercise of the powers conferred by section 35 of the Court Fees Act (VII) of 1870, the Governor General in Council is pleased to remit the Court fees payable under clauses 6, 7, and 9 of Schedule I of the Act on copies furnished by the Criminal Courts for the private use of persons applying for them.

(*e*) This notification shall not be deemed to exempt copies furnished thereunder from the payment of the fees chargeable on such copies when filed, exhibited, or recorded in any Court of Justice, or received by any public officer.

22. [*Chapter XXVIII, C. C. P.—Procedure for the levy of fines—C. O. No. 8 of 22nd June 1864.*]—A warrant issued under section 386, C. C. P., for the levy of a fine should ordinarily be directed to a Police Officer (see Form No. XXXVII, schedule V., C. C. P.); and the authority issuing it should set a time for the sale and for the return of the warrant. If no one claims the property distrained, the Police have the power of selling it within the time specified in the warrant, without any

[1] This should be read with section 371, C. C. P. (Act X of 1882), which was passed subsequent to the issue of this Government order.

previous reference to the Magistrate; if a claimant come forward, then the ownership of the property distrained must be determined by the Magistrate, and not by the Police. If at any time subsequent to the return of the warrant, and within the period of six years from the passing of the sentence, the fine or any part thereof remains unpaid (section 70 of Penal Code), and the Magistrate has, from information gained in any way, reason to think that any movable property belonging to the offender is within his jurisdiction, he should issue a fresh warrant for the attachment and sale of such property. Such warrant should be made returnable within a certain time.

23. [*Chapter XXVIII, C. C. P.—Form of process, sentence, and order—C. O. No. 4 of 13th March 1876.*] —(*a*) In every sentence or order made by a Criminal Court, the jurisdiction of the Judge or Magistrate making it should distinctly appear on the face thereof.[1]

(*b*) In every process and every sentence or order (of whatever description) issued by a Judicial Officer, for whatever purpose it may be issued or made, the name of the District and of the Court from which the same is issued, and also the name and powers of the Officer issuing or making it, shall be clearly set out in such manner that it may be easily read.

(*c*) Judicial Officers shall in all cases take care to sign their names distinctly and legibly.

(*d*) [*C. O. No. 8 of 18th August 1882.*]—At the request of the Government of Bengal, all Judicial Officers are reminded that, in the case of all documents which are required by law to be *signed*, the impression

[1] When the law empowers Magistrates of a particular grade to do a particular act or make a certain order, it should always appear on the proceedings that the Magistrate making the order or doing the act is a Magistrate who had jurisdiction to do it (*22 W. R. Cr. R. 30*).

of a stamp bearing the officer's name is insufficient and illegal.

24. [*Chapter XXVIII, C. C. P.—Calculation of term of sentence altered on Appeal by High Court—C. O. No. 5 of 19th December 1876.*]—Where the High Court simply modifies a sentence passed by a Sessions Judge without change of section, and where the High Court passes a new sentence by changing the conviction section or the punishment section, or otherwise, the sentence finally passed shall count, unless specially otherwise directed, from the first day of imprisonment under the original sentence.

25. [*Chapter XXVIII, C. C. P.—Calculation of the date of the second of two sentences, the first having been remitted on Appeal—C. O. No. 1 of 9th January 1882.*]—When a prisoner has been committed to jail under two separate warrants, the sentence in the one to take effect from the expiry of the sentence in the other, the date of such second sentence shall, in the event of the first sentence being remitted on appeal, be presumed to take effect from the date on which he was committed to jail under the first or original sentence.

26. [*Chapter XXVIII, C. C. P.—Death-warrants when to be executed—C. O. No. 2 of 5th May 1876.*]—The date named by the Sessions Court, in its warrant for the execution of a sentence of death, shall not be less than fourteen, nor more than twenty-one, days from the date of the issue of such warrant.

27. [*Chapter XXVIII, C. C. P.—Return of Warrants—C. O. No. 34 of 19th June 1804.*]—In the case of a sentence, both for corporal punishment and imprisonment, the execution of the former part of the sentence should be endorsed on the warrant at the time of inflicting the punishment; but as the warrant in this case

cannot be considered to be completely executed until the prisoner has undergone the sentence of imprisonment passed upon him, the Officer in charge of the Jail should retain the warrant until the expiration of the term of imprisonment, or, if the prisoner dies during the course of such term, return it with an endorsement to this effect.

28. [*Section 420, C. C. P.—Petitions of Appeal to be sent direct to High Court—C. O. No. 9 of 7th August 1867.*]—(*a*) Petitions of appeal against the sentences or orders of Sessions Judges, presented to Officers in charge of Jails, shall be forwarded by such Officers direct to the Registrar of the High Court of Judicature, intimation of the fact being at once given in each instance, and in the following form, to the Judge whose sentence or order is appealed against:—

To

THE SESSIONS JUDGE OF

The undersigned begs to report for the information of the Sessions Judge that an appeal by the prisoner

against the Judge's sentence or order, dated

and noted at foot, has this day been presented to the Officer in charge of the Jail, and has been forwarded to the High Court, as required by section 420 of the Code of Criminal Procedure.

Officer in charge of the Jail.

(*b*) [*Exception—Certain Petitions not to be sent to the High Court—C. O. No. 8 of 25th August 1869.*]—Petitions of appeal from prisoners should not be forwarded to the High Court in cases in which sentences or orders have already been passed by an Appellate Court on appeal (as, for example, by a Court of Session on an appeal from a conviction before the Magistrate of the District or other officer exercising the powers of a Magistrate of the

1st class), such sentences or orders being final under the Code of Criminal Procedure.

29. [*Section 420, C. C. P.—Records of Appealed Cases when to be forwarded—C. O. No. 5 of 28th May 1868.*]—As a general rule, in cases in which an appeal lies to the High Court from the sentence or order of a Sessions Judge, the record shall be forwarded to the High Court by the Sessions Judge immediately on receipt of the notice of appeal directed to be forwarded to him by the Officer in charge of the Jail.

30. [*Chapter XXXI, C. C. P.—Release-orders not to be telegraphed to Jails—C. O. No. 27 of 20th July 1878.*]—Judicial Officers are prohibited from sending by telegraph orders to Officers in charge of Jails for the release of prisoners in their custody.

31. [*Chapter XXXI, Section 430, C. C. P.—Decision on appeal to be certified to the Lower Court—C. O. No. 6 of 15th June 1881.*]—(*a*) The Appellate Court shall in every instance, except as otherwise herein provided, certify its decision to the Court or Magistrate from whose decision the appeal has been preferred; and it will be the duty of such Court or Magistrate, when a sentence is modified on appeal, to issue a fresh warrant[1] to the Officer in charge of the Jail where the appellant is confined, and to recall and cancel the original warrant of commitment. If, on the other hand, a sentence is confirmed or reversed on appeal, the Jail authorities will receive information to this effect by means of the form[1] prescribed in the next succeeding rule; which form will invariably be sent for the information of the appellant, whatever be the result of his appeal.

[1] For the language of such warrant or form Criminal Officers will be guided by Rule 3 (*b*), Chapter I.

(*b*) [*Explanation—C. O. No. 4 of 30th March 1878.*]

—The Appellate Court should at once communicate the decision arrived at to the Court which has to carry out its order. A copy of the formal order passed and of the judgment on appeal should, however, always be attached by the Appellate Court to the record of the original Court, and returned to it therewith.

(*c*) [*Exception—C. O. No. 6 of 2nd July 1869.*]—In cases where an order passed by an Officer in charge of a Sub-division, other than the Sudder Sub-division, is reversed or modified on appeal, the Appellate Court shall certify its decision to the Magistrate of the District, who will issue a warrant to the Officer in charge of the Jail to give effect to the orders of the Appellate Court, and will inform the Court, from whose orders the appeal was preferred, of its result.

32. [*Section 430, C. C. P.—Form for communication of result of appeal to Prisoner—C. O. No. 2 of 18th March 1872.*]—The annexed form[1] should be used for conveying information to prisoners in jail as to the result of their appeals:—

List of Criminal Appeals heard by the Magistrate or Sessions Judge of on 18 .

Name of Prisoner.	Against whose order the Appeal is preferred.	Order passed in Appeal.	REMARKS.

[1] For the language of this form, see Rule 31 (*a*), *supra*.

In appeals from orders of Sessions Judges, the latter (and not the District Magistrate) should communicate the result to the appellant, through the Jail Officer, in this form (*H. C. 1273, 1882*).

MEMO.

Forwarded to the Officer in charge of the Jail for communication to the appellants.

COURT OF

The *18* . *Sessions Judge or Magistrate.*

33. [*Section 435, C. C. P.—Subordination of District Magistrate to the Sessions Judge—C. O. No. 4 of 16th December 1876.*]—(*a*) The Magistrate of a District must be deemed in respect of his judicial functions, and of course in this respect only, to be subordinate to the Sessions Judge.

(*b*) Sessions Judges are to be guided by, but not to go beyond, the following instructions in communications with Magistrates :—

District Magistrates are to comply with all requisitions for records, returns, and information made by Sessions Judges with regard to any case appealable to them or referable by them to the High Court, whether decided by the District Magistrate or by the other Magisterial Officers of the District, or made by Sessions Judges under the orders of the High Court in the exercise of their duty of superintendence over Subordinate Courts. District Magistrates are also to render any explanation which Sessions Judges may require from them, and to obtain and submit any explanation which Sessions Judges may require from Subordinate Magistrates, in order to assist the Appellate Courts in respect of the three classes of cases above referred to.[1]

34. [*Section 438, C. C. P.—Reports in what form to be made—C. O. No. 18 of 15th July 1863.*]—(*a*) Reports under section 438, Act X of 1882, shall always be ac-

[1] The spirit and intention of these orders is that Magistrates should render Session Judges all assistance for the right disposal of judicial cases and work.—(*Bengal Government No. 1015 J.-D. of 16th October 1882.*)

companied by the records of the case to which they relate and by an English letter commencing "Under section 438, Act X of 1882, I herewith transmit the record of the case noted in the margin, to be laid before the High Court, with the following report." There will then be stated—

1st.—A brief analysis of the case.

2nd.—The order recommended for revision.

3rd.—In what particular portion of that order the Court making the reference considers an error on a point of law to exist.

4th.—The grounds upon which, in the opinion of such Court, the order should be reversed.

(*b*) Unless there be any particular reason why delay should be avoided, the explanation of the Magistrate who passed the order should be called for and accompany the report.

35. [*Chapter XXXIII, C. C. P.—Instructions as to European British Subjects committed to the High Court—C. O. No. 5 of 6th May 1864.*]—(*a*) Magistrates making commitments to the High Court in its original criminal jurisdiction should promptly send the records of cases to the Clerk of the Crown, and not delay doing so until the commencement of the Sessions at which the cases are to be tried. The practice of so delaying causes great inconvenience to all concerned, and deprives the Judge generally of the opportunity, which he ought to have, of looking over the depositions of the witnesses before the case goes to trial.

(*b*) A copy of the warrant of commitment should always form part of the record sent to the Clerk of the Crown.

(*c*) All witnesses should be bound, in the usual form, to attend at the Court House on a day specified, which

should be the *first day of the Sessions* for which the prisoner is committed; and this should be the next Sessions after the commitment, if there is a sufficient interval of time between the commitment and the next Sessions; and if not, then the next following Sessions. Much inconvenience is often occasioned by and to witnesses from the Mofussil in consequence of their want of information as to the means of getting quarters, if they are poor and strangers, and as to the means of obtaining their expenses. They should be informed that the Commissioner of the Police of Calcutta (and not the Clerk of the Crown) has charge of these matters.

(*d*) In cases where Magistrates require advice or direction (except as to what merely concerns the office of Clerk of the Crown), they should apply direct to the Solicitor to Government.

36. [*Chapter XXXIII, C. C. P.—Warrants to be sent with European British Subjects committed to the High Court—C. O. No. 8 of 6th August 1866.*]—(*a*) The warrant of commitment, in the following form, should be directed to the Superintendent of the Presidency Jail in Calcutta.

To the Superintendent of the Presidency Jail.

Whereas
of is (*or* are) charged with (*state offence*) and has (*or* have) been committed to take his (*or* their) trial before the High Court.

You are hereby required to receive the said
into your custody and to have the body (*or* bodies) of the said before the said High Court for trial at the Sessions of the Court next ensuing the date hereof.

Dated the *18* . (*Signature.*)
(*Office and powers.*)

(*b*) The warrant of commitment ought always to be delivered to the officer in whose custody the prisoner is sent, in order that it may be made over with the prisoner to the Superintendent of the Presidency Jail as his authority to receive and detain the prisoner. Failure of justice has been caused in many cases through neglect to adopt this course, and the Court trust that Magistrates will be careful as well in this respect as in taking proper steps to ensure the attendance of the necessary witnesses at the Sessions. In addition to the warrant of commitment, a warrant should be directed to the police officer in charge of the prisoner, and should direct such officer to take the prisoner and deliver him to the Superintendent of the Presidency Jail. Such warrant may be in the following form :—

FORM OF WARRANT.

To (*the name of the officer or officers sent in charge of the prisoner*) and to all other Peace Officers of the Empress of India in the Provinces and Districts of Bengal, Behar, and Orissa, and places subordinate thereto, whom this may concern.

Whereas of is charged with (*state the offence as in warrant of commitment*), and has been committed by me, the undersigned Magistrate, to the Superintendent of the Presidency Jail for trial before the High Court of Judicature at Fort William in Bengal, you are therefore hereby required to receive the said into your custody, and to deliver him into the custody of the Superintendent of the Presidency Jail at Calcutta, to be there safely kept until he shall be thence delivered by due course of law.

Dated the day of

COPIES.

37.[1] [*Applications for information and for unauthenticated copies—C. O. No. 12 of 25th November 1882.*]—

I.—All applications for *information* or for *unauthenticated copies* of papers or documents, shall be made at a place and to the officer designated by the District Magistrate for that purpose, between the hours of 12 and 2.

II.—The officer to be so designated shall be either the record-keeper or such other paid ministerial officer of the Magistrate's Court as can be spared.

III.—The applications shall be on a printed form A in duplicate, to be obtained from the Head Clerk at the price of 1 pice or ¼ anna per sheet. The applicant is to present it with the duplicate spaces reserved for the date, his name and residence, and the particulars of the information required filled up. The officer receiving such application is to enter in duplicate in the first column the consecutive number, and in the fifth column his signature. If he can furnish the information at once, he will note the same on the upper portion of the form in the column for remarks and make that part over to the applicant, taking the latter's receipt in the column for remarks in the lower portion, which will be retained and recorded in the office. If he cannot furnish the information at once, he will enter in duplicate, in the fourth column of the form, the date by which the information can

[1] This rule reproduces the following Civil Circulars, which have been extended to Criminal Courts in Bengal and Assam with the sanction of the Government of India:—

C. O. No. 18 of 23rd June 1870.
C. O. No. 22 of 28th May 1879.
Rule No. 20 of 16th October 1882.

The orders contained in this Rule apply only to unauthenticated copies. The copying charge should be levied by means of impressed stamps (*H. C. 163, 1883*).

be furnished. The upper and lower portions of the form, with columns 1, 2, 3, 4, and 5 thus filled up, will then be separated. The lower part will be made over to the applicant, with a direction to return with it at the time fixed. The upper portion will be passed on to the amlah, to whose department it pertains, who will enter in the column for remarks the necessary information, and return it to the receiving officer before the time prescribed. On the applicant's re-appearance, this upper portion, bearing the information, will be made over to him, and the lower portion, bearing his dated receipt in the column for remarks, will be taken from him and recorded in the office.

IV.—When a copy of a judgment or decree or any other document is required, the party requiring the same shall deliver to the Officer designated by the Magistrate under Rule I an application signed by his Vakeel or by his authorised agent, or by himself, if acting in person, in Form B, which will be obtainable in loose sheets in the same way and at the same cost as Form A. Every such application shall be numbered consecutively as received, and it shall be the duty of the Officer to whom the requisition is delivered at once, if possible, or during the same day, or not later than the following day, to ascertain the amount of the fees payable for the copy asked for, and at the same time to inform the applicant thereof. When such information cannot be given at once, the Officer shall inform the applicant when he may expect to obtain it, and it shall be the duty of the applicant to attend at the time named. The amount shall always be noted on the back of the requisition, and the applicant shall be required to put his signature thereto as an acknowledgment of his having received the information. The body or main portion of the form shall then be passed on into the office with a memorandum

stating the date and hour by which the copy is to be ready, and a corresponding note shall be invariably made on the counterfoil which is to be returned to the applicant.

V.—Care will be taken to have the copy ready in each case by the time fixed, before which it will, with the body of Form B attached to it, be handed back to the record-keeper or other officer, who, on the original applicant's appearance with the counterfoil, will make over the copy to him, taking his receipt for the same in the last column of the form for remarks, in which the date of such receipt will also be noted. These forms will then be recorded in the office, filed in the order of their admission in a separate series for each month. At the close of each quarter they will be examined by the Head Clerk who will bring to notice any irregularity or unpunctuality that may be apparent in the department. At the end of the year the Magistrate, after satisfying himself as to the working of the office by an inspection of the forms recorded during the year, may direct their destruction.

VI.—The Magistrate is to license as many copyists, to be selected as far as practicable from the apprentices in his office,—regard of course being had to their efficiency,—as may be required for the purpose of supplying all applicants with copies without inconvenient delay; and no one but a licensed copyist is to be employed in the preparation of copies.

On each copy the amount of the fee received is to be noted as follows:—

Number of words
(English or vernacular)
in the copy at
anna per words is . . R o o o

Received payment,
A. B.,
Licensed Copyist.

VII.—Copies of maps and plans cannot be supplied from the Magistrate's office, but application should be made to the offices where the original maps are deposited. No copy of a copy shall be supplied without express sanction of the Magistrate.

VIII.—The number of copyists licensed should not be greater than will admit, under ordinary circumstances, of each Vernacular copyist earning at least Rs. 12, and of each English copyist earning at least Rs. 20, per month. Each copyist is to keep a register[1] showing his receipts, which he is to submit once a month to the Magistrate, who will thus be enabled to regulate the establishment of copyists and to reduce the number, if required, with reference to the provisions of the preceding rule. The Magistrate may, under pressure of work, depute to his Head Clerk the duty of examining these registers; but he is under no circumstance to omit doing so himself at least once a quarter, and a certificate of his inspection of these books is always to be inserted in the Annual Report.

IX.—A fee of 8 annas shall be charged for searching.[2]

[1] The Register need not be in any particular form, and should not be in that given in Rule 38, *post*. It is merely intended as a day-book of daily earnings, such as are represented by the slips torn off the copies as vouchers. All that the Register need show is the sum each man is earning, so that the establishment may be regulated as directed in this clause (*H. C., 1014 of 1883*).

[2] Searching-fees should be shown in column 7 of the "Detailed Daily Register of Court fees realised" (Chapter III, Rule 5, clause *b*), and treated as fees payable under Schedule II, Act VII of 1870. A note should be kept in each office of the amount so treated (*H. C., 238 of 1883*).

This fee is intended to meet all cases of search; no distinction being made between searches which entail a small amount, and those which require a large amount, of labour (*H. C., 881, 1883*).

These orders do not contemplate that 25 searching-fees should be charged for copies of 25 depositions if taken from the same record, and asked for in the same application. Under these circumstances, only one searching-fee should be charged (*H. C., 225, 1883*). Compare Note 1, para. 2, Rule 38, *post*.

It was not intended by clause ix to prescribe a searching-fee in respect

This fee shall be levied by means of a Court-fee stamp, to be affixed to all applications for information or for copies, except such copies as the law requires to be given free of cost. The stamp shall, in the case of applications for copies in Form B, be in addition to the one-anna stamp required, under Article I (*a*), Schedule II, of the Court Fees Act, VII of 1870, on such applications. In the case of applications for information, the searching-fee shall be the only fee required to be affixed to Form A.

X.—No fees are to be required or paid for searching or copying papers wanted by Public Officers for public purposes.

XI.—The record-rooms are not open to the public generally, but public Officers of the district (including Head Clerks) and Pleaders may enter the record-room and examine the record of any case in the presence of the record-keeper or one of his assistants. Pleaders before making such examination should pay the fee prescribed by Rule IX.[1]

XII.—Loose sheets of Forms A and B should be indented for on the Superintendent of Government Stationery. Either English or Vernacular forms may be thus indented for, as translations of Forms A and B in Bengali and Urdu have been sent by the Court to the Superintendent.

of applications for certified copies, as the whole of this Rule relates only to such copies as are unauthenticated (*H. C., 258, 1883*).

Clause ix is not intended to apply to applications for certified copies such as are contemplated by section 76 of the Evidence Act, I of 1872; or such as, under sections 217 and 580 of the Civil Procedure Code, the parties are entitled to receive. No searching-fee should be charged in respect of copies required of papers which have not yet been deposited in the record-room (*H. C., 259 and 1700 of 1883*).

[1] "Record-room" is the room set apart for the storage of records of *decided* cases: and "record-keeper" is the ministerial office in immediate charge of such records. No searching-fee should be charged to Pleaders for looking at the records of *pending* cases (*H. C., 815, 1883*).

A.

Form of Application for Information.[1]

Number and Date.	Name and Residence of Applicant.	Nature of the information required.	Date on which the information is to be ready.	Signature of Officer receiving the application.	REMARKS.

NOTE.—These forms may be procured from the Head Clerk of the Court at 1 pice per single form, or 100 for a rupee.

The person applying for information is to fill up columns 1 (except the No.), 2, and 3, and present it to the Officer appointed to receive such applications, who, if the information required cannot be immediately supplied, will fill up, tear off, and return the bottom part of the form to the applicant.

[1] See para. 1, foot note 2, Rule 38, *post*.

Stamp-vendors are not authorised to sell these forms (*H. C.*, *733*, *1883*).

Sale-proceeds of these forms should be credited to "Petty Receipts" under Rule 5 (*f*) of the Account Rules, Civil R. and O., p. 36 (*H. C.*, *733*, *1883*).

B.—COUNTERFOIL.

Name of applicant.

Date of receipt of application.

The time by which the copy required is to be ready.

B.

Form of Application for Copies.[1]

Number and date of application.	Name, residence, and description of applicant.	Specification of paper of which the copy is required.	Case or proceeding in which such paper is to be found or was filed.	Name of office or department where the paper in question is to be found.	Time when copy will be ready.	Name of copyist.	Name of officer receiving application who fills up the three preceding columns.	REMARKS.

Copy required will be furnished by on the at

Signature.

Note.—These forms[2] may be procured from the Head Clerk of the Court at a pice per single form, or 100 for a rupee. The person applying for a copy is to fill up Columns 1 (except the No.), 2, and 3, and present it to the Officer appointed to receive such applications, who will pass it on to the proper Officer.

[1] See para. 1, foot note 1, Rule 38, *post*.
Stamp-vendors are not authorised to sell these forms (*H. C.*, *733*, *1883*).
Sale-proceeds of these forms should be credited to "Petty Receipts" under Rule 5 (*f*) of the Account Rules, Civil R. and O., p. 36 (*H. C.*, *733*, *1883*).

[2] These forms are also supplied in Bengali and Urdu.

38. [*Register of Applications for Copies—C. O. No. 35 of 1st October 1880.*]—A register of applications[1] for copies shall be maintained in the following form :—

Register of Applications for Copies.

Serial Number.	Date of application.	Name of Applicant.	Number of Folios.				Date on which copy was ready for delivery.[2]	Date on which delivery was taken.[2]	Remarks.
			Filed with application.	Filed afterwards.	Returned unused.	Used.			
1	2	3	4	5	6	7	8	9	10

39. *Charges for Authenticated and Unauthenticated Copies—C. O. No. 35 of 1st October 1880.*]—(*a*) In all Criminal Courts, a uniform charge shall be made for the preparation of copies, whether authenticated[3] or

[1] Applications for copies must bear a Court-fee stamp of one anna under Art. 1 (a), Schedule II of Act VII of 1870. Applications for *information only* require no Court-fee stamp (*H. C., 249, 1882*).

Under Act VII of 1870, Schedule II, Art. 1 (a), paragraph 5, only one application, with a single Court-fee stamp of one anna, is necessary when a copy is applied for of any number of documents on the same record; but when copies are required of documents in more than one record, there must be a separate application, with a separate stamp for each case (*H. C., 1187, 1881, and 1749 1882*).

The comparing clerk, and not a copyist, should be in charge of this register. The former is a salaried Officer, and is in so far in a more responsible position than a copyist who is paid by the job (*H. C., 604, 1883*).

[2] The entry in column 8 should be made when the copies have been made on the prescribed stamped paper, *i.e.*, on paper impressed with non-judicial stamps, representing the charge for copying, &c. The entry in column 9 should only be made after the Court-fee (judicial) stamps prescribed by Act VII of 1870 have been affixed and cancelled, as required by Government of India Order No. 3373, dated 24th September 1875 (paragraph 4, page 98, *supra*), and the document has been actually delivered. The object of the two columns is to show, in cases of delay, whether the responsibility rests on the Local Court's Officers or on the applicant for copies (*H. C., 816, 1882*).

[3] The question as to what officer should be empowered to sign the certificates required at foot of authenticated copies, as directed in section 76 of the Indian Evidence Act I of 1872, is, under the explanation to that section, a matter which would depend upon the arrangements made in each office; and such arrangements would be made by the presiding officer of the Court (*H. C., 297, 1883*).

2. In foot-note 3, page 135, Criminal Rules and Orders, *for* "authenticated" *read* "certified."

Foot-note 3 should be read as the note to the word "certified" in Rule 39 (*a*), page 135.

unauthenticated, at the rate of four annas per folio.[1] This term, it is to be carefully explained to all subordinate Officers, merely denominates a certain quantity of manuscript; the folio to consist of 150 words English or of 300 words Vernacular, four figures counting as one word.

(*b*) It is intended that this charge should eventually be levied by means of an impressed stamp of four annas on each sheet of paper corresponding with the folio to be provided by the applicant for a copy. The preparation locally of special stamps for the purpose has been authorised by the Government. Some delay is, however, likely to occur in obtaining paper of the proper size and description. Till such stamps are available, sheets bearing each an impressed (non-judicial) stamp of two annas[2] will be used for the preparation of the copies. Each of these sheets is intended to contain half a folio—that is, 75 words English, or 150 words Vernacular. As there are 15 lines in each sheet, no line should contain more than 5 words English, or 10 words Vernacular.

(*c*) All copies, whether authenticated or unauthenticated, must in future, before issue, be examined by a salaried Officer.[3] The copies themselves will in all cases

[1] That is, four annas for every 150 English (or 300 Vernacular) words or part thereof. The use of two-anna sheets is only temporary and is not intended to reduce the primary charge of four annas (*H. C., 576, 1883*).

[2] The Superintendent of Stamps will be requested to arrange for the supply of these stamps through the usual channel, to have them enfaced with the words "For copies," ruled and perforated.

[3] The duty of examining copies should, as a rule, be entrusted to the Head Clerk or Sherishtadar; but where this is not possible, the Judge of the Court should make any other suitable arrangement, except that the copyists must not be allowed to examine for each other.—[*C. O. (Civil) No. 8 of 29th June 1875.*]

Unauthenticated copies should only be marked as "examined" and initialled by the examiner, while copies to be used, or capable of being used as evidence, should be "certified to be a correct copy" and signed in full, and bear the seal of the Court.—[*C. O. (Civil) No. 30 of 23rd August, 1879.*]

be made by section-writers, who will be remunerated at the rate of two annas per folio.

(*d*) Half the charge of four annas per folio, levied by means of the impressed stamp, represents the payment to Government on account of the salary of examiners, cost of paper, &c.; the other half will represent the earnings of the section-writers, whose accounts will be made up monthly, and the amount due to each paid out of contingencies.[1] These payments must be checked at the time with the upper part of each stamp, which, when the copy is ready, must be torn off each sheet, along the perforated line, and then endorsed with the copyist's name, and kept till the end of the month. Care must be taken to see that nothing in excess of half the amount realised in stamps is paid away.

(*e*) To prevent the risk of stamped slips being used more than once, the Officer passing the copyist's account will, after checking it as directed, tear the slips to pieces and cause them to be burnt in his presence. A certificate that this has been done must be attached to the contingent bill on which the copyist's fees are drawn.

(*f*) To protect the interests of the Government, care must be taken to see that all copies issued from the Courts are prepared on the prescribed stamp paper; they must be written on one side of the sheet only, and must not contain more than the authorised number of words. On the other hand, care must be taken to see that applicants are not imposed upon by the copyists spreading their writing over a larger number of sheets than is necessary. By insisting on the number of lines in each sheet being uniform, control may easily be exercised in this matter, the number of words in a few

[1] The copyist is paid by the folio; he would get his pay according to the number of folios copied, whether the copies are subsequently taken out or not (*H. C., No. 2168, 1881*).

of the lines in each folio being checked. The business of a copyist is (like most other occupations) one calling for skill and greatly dependent for its successful practice on experience: copyists, therefore, must possess or acquire skill in their business, or they ought not to be retained.

(*g*) When an applicant requires his copies to be furnished on the day of application, an extra fee of one rupee (or, if the copies exceed four folios, of 4 annas for each folio)[1] shall be charged on all copies so furnished, to be levied from him by a Court-fee stamp, which should be affixed to the application for the copy and be entered in the Register for Court-fee Stamps. Care, however, is to be taken that other applicants for copies do not materially suffer by the arrangement. If the granting of other copies be much delayed by this rule, an extra hand ought to be told off to furnish their copies.

(*h*) Under ordinary circumstances, the time for furnishing the copies required shall not be later than 1 P.M. of the fifth open day after the presentation of the application.

(*hh*)[2] When a copy of a judgment, sentence, or order is granted, the following particulars must invariably be recorded on the back of the copy itself, and in the form given below, for the information of the Appellate Court (section 12, Act XV of 1877). A stamp may be used for the purpose:—

Date of application for the copy . . . .
Date of delivery of the requisite stamped sheets .
Date on which the copy was ready for delivery[3] .
Date of making over the copy to the applicant . .

[1] This is a fee for credit to Government, and no part of it is payable to the copyists. The words in brackets were added by C. O. No. 4 of 1st June 1881. Expedition fees should be shewn in column 5 of Annual Statement I, Part IV (*G. L. No. 4 of 4th March 1881*).

[2] Inserted by C. O. No. 1 of 18th June 1883.

[3] Compare IX C. L. R., 293, which is to be strictly followed (*H. C., 1757 of 1883*).

To footnote [2], page 138, Chapter VI, add the following:—

The Lieutenant-Governor of Bengal has (November 1883) issued instructions to the Superintendent of Stationery to print this form on the reverse of the 2-anna stamped sheets now in use for copies.

(*i*) In the case of authenticated copies, the Court-fee chargeable under the Court Fees Act should be levied by affixing the necessary stamp to the first folio of the copy.

(*j*) In the case of maps and plans, no general rule can be laid down. In each case a charge will have to be fixed with reference to the difficulty or intricacy of the work to be done. Half will be paid to the copyist, and half credited to Government on account of examination fees and cost of materials.[1]

40. [*Copies of Convictions and Sentences of Persons in the Military Department—C. O. No. 6 of 17th July 1871.*]—Judicial Commissioners, Sessions Judges, and Magistrates will forward to the Military Department of the Government of India a copy of the conviction and sentence in all cases in which persons serving under the Government of India in that Department are convicted in a Criminal Court.

41. [*Copies of Letters and Resolutions of the High Court—C. O. No. 160 of 19th April 1844.*]—(*a*) Applications made to the local authorities for copies of any letters from, or resolutions passed by, the High Court, must be referred to the Court for orders. Copies of such documents may not be granted by the local authorities.

[1] In Criminal cases, parties are entitled to obtain copies, authenticated or unauthenticated, of any portion of the record of trial; this ruling covers such police-papers as may be made use of as evidence at the trial. As regards other police-papers, the High Court can pass no orders (*H. C., 1972, 1880, and 1652, 1882*).

Complainants must pay copying fees whenever they want copies. But an accused is, under section 371 of Act X of 1882, entitled, in cases other than summary cases, to a copy of the judgment absolutely free of charge and on plain paper (*H. C. Progs., May 1881*).

As a general rule, copies of exhibits in a criminal case should certainly not be granted to persons who are strangers to the case. A Magistrate should use his discretion in each case, acting on the general principle that no copies should be given to a stranger without very good cause being shown (*H. C., 82, 1882*).

3. In foot-note 1, page 139, Criminal Rules and Orders, *for* "authenticated or unauthenticated" *read* "certified or uncertified."

(*b*) This rule is not to be considered to apply to the sentences of the High Court in criminal trials.

42.[1] [*Copy of Judgment of Sessions Judge, how and for what purpose obtainable by District Magistrate—C. O. No. 1 of 8th January 1864.*]—Whenever an application is made by the Magistrate of the District to the Sessions Judge for a copy of any of the proceedings before the Court of Session, the Judge shall permit a copy to be made by any person whom the Magistrate may depute for that purpose. Such copies will be granted only for the information and guidance of Magistrates and committing Officers, who are not at liberty to cavil at the judgment of the Sessions Court, or enter into any discussion with the Judge upon its merits.

FORMS.

43. [*Annual and Emergent Indents for Judicial Forms—C. O. No. 9 of 12th September 1882.*]—(*a*) Annual indents for authorised Judicial Forms must be submitted to the Superintendent of Stationery not later than the 1st December in each year, for the twelve months commencing on the 1st June next ensuing.

(*b*) Emergent indents can be sent in and will be complied with at any time of the year; but such indents should be sent in through the High Court.

HIGH COURT—COMMUNICATION WITH.

44. [*Letters, &c., intended for the High Court, how to be addressed—C. O. No. 8 of 12th August 1881.*]—As a separate mail-bag is now made up for all covers addressed to "Fort William," in future, covers, whether printed or written, intended for the High Court, should

[1] With this read Rule 53 (*b*), *post*.

not bear the address "Fort William." They should be addressed as follows: "To the Registrar (Appellate *or* Original Side, *as the case may be*), High Court of Judicature, Calcutta."

HOLIDAYS.

45. (*a*) [*When trials can proceed on Sundays and gazetted Holidays—C. O. No. 5 of 10th January 1880.*]—Without the consent of parties, and in the absence of urgent necessity, no criminal enquiry or trial shall be held on a Sunday or gazetted holiday.

(*b*) [*Dusserah and Mohurrum vacations—C. O. No. 8 of 23rd March 1838.*]—During the Dusserah and Mohurrum vacations Courts of Session must never be closed for the dispatch of criminal business, except on those days only when a total cessation from all business is necessary and usual.

(*c*) [*Criminal Courts when not to be closed—C. O. No. 1 of 28th February 1876.*]—The holidays published by the High Court[1] are for observance in the Civil Courts only; the Criminal Courts, as a rule, should not be closed on days when the public Treasuries are open. In any case, a trial commenced ought to be finished, although a native holiday intervenes; and Sessions ought not to be interrupted, and the commencement of trials postponed, except on days when native usage absolutely requires the intermission of all business.[2]

INTESTATE PROPERTY.

46. (*a*) [*Intestate Property—Register to be kept by the Magistrate—C. O. No. 151 of 24th November 1843.*]

[1] Under Section 17, Act VI of 1871.

[2] As regards Mahommedan holidays, see the instructions conveyed in G. L. No. 1 of 5th January 1883. As regards members of the Brahmo Somaj, see G. L. No. 7 of 23rd August 1883.

Register of Intestate Property (see section 7, Regulation V of 1799).

1	2	3	4	5	6	7	8	9
Name of thana.	Names of individuals deceased.	Description of property.	Date of arrival at the thana.	Date of arrival at the sudder station.	Date of despatch of property to the Civil Court.	Signature of the nazir.	Date of receipt given by the Civil authority.	REMARKS.

(*b*) [*Intestate Property—Estates of Military men—C. O. No. 57 of 25th April 1851.*]—The Articles of War vest the administration of the estate of a deceased officer or soldier, or person receiving public pay drawn by an officer in charge of a public department belonging to the Army, in the Military authorities, whenever there may be no heir or executor of the deceased on the spot at the time of decease, thereby precluding the jurisdiction of the Civil Courts in regard to the same. Whenever any such property comes into the hands of a Magistrate, he shall, instead of forwarding it to the Judge of the District, communicate with the Officer commanding the regiment, or in charge of the department to which the deceased belonged, and comply with the instructions which such authority may give regarding the disposal of it.

JUDGES AND MAGISTRATES.

47. [*Imputation of prejudice—C. O. No. 7 of 7th April 1877.*]—The accompanying copy of a despatch

from the Secretary of State for India to the Government of Madras is circulated for the information and guidance of all Judges and Magistrates :—

"The memorialist was prosecuted by the Collector, and he alleges that when the Sessions Judge came to try the case, he resided at the Collector's house and was greatly prejudiced by the Collector against the memorialist. I have no doubt that the latter assertion is quite unfounded, but I think it would be well if Your Grace in Council would suggest to the Judges, through the High Court, to avoid, as far as possible, becoming the guests of those who are interested in cases, civil or criminal, which will eventually be submitted to the Judges' decision All possible imputation of prejudice against the weaker party will thus be avoided."

LIBRARIES.

48. [*Rules for the management of Libraries—C. O. No. 36 of 30th November 1878, and C. O. (Civil) No. 3 of 25th January 1856.*]—*1st.*—The Head Clerk of the English Office shall be appointed Librarian. He will be primarily responsible for the custody and preservation of the books composing the Office Library; but this will not relieve the Magistrate or other presiding authority from the general responsibility devolving on him as Head of the Office.

2nd.—Correct catalogues should be immediately made of the books in the Library. It might be useful to insert a column in the catalogue showing the date of receipt of each book. The catalogues should be of English paper and strongly bound for permanent record.

3rd.—Each book should have a number labelled upon it, corresponding to a number in the catalogue, and, as fresh additions are made to the Library, they should be labelled and numbered in like manner. Each book should also be marked on several leaves with the Office stamp.

4th.—Whenever a book is required out of the Library by any Officer other than the Judge or Magistrate com-

petent to require the same, the Librarian should send a receipt on a slip of paper, which the recipient will sign and return on getting the book. These receipts shall be destroyed on the book being returned to Office.

MAGISTRATES.

49. [*Magistrates to attend Office regularly—C. O. No. 21 of 24th April 1829.*]—Criminal Authorities should refrain from, and strictly interdict on the part of those subject to their authority, the objectionable practice of transacting their public business in their private residences, and not attending regularly the public cutcherries. A Magistrate can never be as accessible to the natives in his own house as in the public cutcherry; and unless there are fixed hours for transacting business in the public cutcherries, petitioners, &c., &c., will be either deterred from attending, or constantly subject to much inconvenience and expense.

RECORDS.

50. [*Records—Fly-leaf to be used—C. O. No. 3 of 21st June 1879 and Rule No. 13 of 4th December 1882.*] —(*a*) The annexed form of fly-leaf, or index of papers composing the record of trials, is to be used by all Criminal Courts subordinate to the High Court:—

List of papers composing the *Record.*

COURT OF THE AT

CASE NO. OF 18 .

Complainant

Defendant.

Charge under section of

Note.—When papers are separated for destruction, the record-keeper should enter the word "*preserved*" in the last column against those retained for permanent preservation.

Page of record.	Description of papers.	Distinctive mark, if any.	Note of papers selected for permanent preservation.

(*b*) Exhibits admitted as evidence on the trial should be separately arranged in the order in which they were received by the Court, and an index prepared accordingly.[1]

51. [*Records—Inspection to be annually reported—C. O. No. 6 of 17th July 1865.*]—Mention of the state of their record-rooms should invariably be made in the Criminal Reports of Sessions Judges and Magistrates. The Court will not be satisfied with a mere cursory mention, but require a clear description of the state of each record-room, and the dates up to which the records have been sorted or destroyed, so that it may appear without doubt that this duty has in no way been neglected.

52. [*Records—When allowed out of the custody of the Officers of Court.*]—(*a*) [*C. O. No. 15 of 16th December 1875, and C. O. No. 6 of 12th May 1882.*]—The records of decided cases shall be retained in the record-rooms of the Courts to which they pertain, or of the

[1] There should be one general fly-leaf, or index of papers composing the record of trials, in two parts, *viz.*, one wherein the *material portions* of the record are "marked off for preservation," and the other in which the *non-material* portion is "separately indexed" (*c.f. clauses I to IV with clause V of Rules under Act III of 1879*). The arrangement of the record should take place as the trial proceeds, the papers being tied together in bundles of "material" and "non-material" in the sense in which those terms are used in the same rules. While there should be one fly-leaf or "general index-sheet of the record" for both material and non-material portions of the record, as required by clause (*a*), there should be a special fly-leaf for exhibits, described in clause XI of the same rules as the "detailed index-sheet of documents" *i.e.*, documents admitted and used, which can in no case be destroyed—(*H. C., 1105 of 1883*).

superior Court of the district, and shall not be allowed to pass out of the custody of the Officers of such Courts, except when called for by superior judicial authority, or required for the purposes of section 137, Act XIV of 1882, by a Civil Court.[1] It is improper and inconvenient that records of the Courts of Justice should be sent to other public officers or functionaries. If a reference to their contents is required, the proper procedure is ordinarily to obtain copies of the requisite papers.

(*b*) [*C. O. No. 20 of 30th April 1879.*]—When in the course of proceedings in a Criminal Court it becomes necessary to refer to the contents of public documents deposited in other Courts, the ordinary procedure is to require copies of them to be filed. It frequently happens, however, that in the course of a criminal trial the production of an original record becomes necessary. In such cases the Court where the record is deposited shall comply with the requisition of the Court requiring its production. Sessions Judges and Magistrates making such requisitions, however, are required to state in their requisitions that the production of the original is necessary, and the reason of the necessity. If the Court receiving the requisition is of opinion that the reason given for requiring the production of an original record instead of a copy is insufficient, it should nevertheless comply with it, reporting the matter for the consideration of the High Court.[2]

[1] Records of preliminary inquiries in Sessions cases should be kept in the Magistrate's record-room; only depositions of medical witnesses, confessions, and such other documents as are admitted as evidence on the Sessions trial, being kept with the Sessions record (*H. C., 1300, 1882*).

[2] This course should also be followed when *no* reason is given in the requisition. If the record required is that of an appeal pending before the Sessions Judge or District Magistrate, he should intimate the fact to the officer making the requisition, and request him to return the record without delay (*H. C., 150, 1882*).

(*c*) [*C. O. No. 1 of 12th January 1877.*]—When a Divisional Commissioner requires the records of a criminal trial in order to satisfy himself whether Government should be moved to direct an appeal against an original or appellate judgment of acquittal under section 417, Criminal Procedure Code, the Sessions Judge should comply with the application.

53. [*Records—Government Pleaders to have access to the records of Sessions Trials for the purposes of Medico-legal Reports.*] (*a*) [*C. O. No. 10 of 22nd September 1869.*]—All Sessions Judges and Judicial Commissioners are to allow the Government Pleaders in their several districts to have access to their decisions in all criminal cases in which medical evidence is taken.

(*b*) [*C. O. No. 5 of 21st September 1880.*]—Sessions Judges in the Lower Provinces should give every facility to Magistrates and District Superintendents of Police for inspecting the records of cases in their Courts, and for the preparation of copies by clerks sent by the District Magistrate,—care being taken that the records are not removed from the Judge's Office.

STAMPS.

54. [*Stamps—Procedure when the genuineness of a stamp is doubted—C. O. No. 8 of 14th January 1880*].—(*a*) When a Judicial Officer sees reason to doubt the genuineness of a stamp filed before him, the stamp should be forwarded to the Collector of the District, who will examine it, and satisfy himself, if possible, as to its character, reporting the result to the officer sending it.

(*b*) Care should be taken to retain an examined copy of any document bearing a stamp which may be forwarded to the Collector under the above orders.

TRANSPORTATION FOR A TERM.

55. *Form of Sentence—C. O. No. 9 of 3rd August 1866.*]—The attention of Sessions Courts is directed to the terms of section 59 of Act XLV of 1860. The correct mode of proceeding is to sentence the offender to transportation, mentioning at the same time that, under section 59 of the Indian Penal Code, such transportation is awarded instead of imprisonment, simple or rigorous, as the case may be.

UNCOVENANTED SERVICE.

56. [*Uncovenanted Officers not to lend money—C. O. No. 186 of 25th October 1844.*]—(*a*) The rule in section 2, Regulation XXXVIII, 1793, prohibiting public officers from lending money to persons within their jurisdiction, extends to all Uncovenanted Judicial Officers.

(*b*) [*Uncovenanted Officers not to hold lands in their Districts—C. O. No. 202 of 25th April 1846.*]—No officer in Government service can be permitted to hold lands in any district in which he exercises Civil or Criminal Jurisdiction.

WHIPPING ACT VI, 1864.

57. [*Whipping—General Instructions—C. O. No. 2 of 8th April 1864.*]—(*a*) Section 1 directs that, in addition to the punishments described in section 53 of the Penal Code, offenders are also liable to whipping under the provisions of the said Code, and it has been declared under the authority vested in the Lieutenant-Governor by section 392, Act X, 1882, that this punishment "shall, in the case of an adult," be inflicted on the breech with (as prescribed by section 392, Act X of 1882), a light rattan[1] not exceeding half an inch in diameter. The

[1] Circular of the Government of Bengal to all Commissioners, No. 1329, dated 29th February 1864.

Government further enjoins that, "on all occasions precautions should be taken to prevent the blows from falling on any other part of the person."

(*b*) Particular care should be taken in marking the distinction between sections 2, 3, 4. By section 2 it is enacted that for certain specified offences[1] whipping may be administered *in lieu* of any punishment to which the convict may, for any of those offences, be liable under the Indian Penal Code; whereas, by section 3 it is enacted that, if he has been previously convicted under the Penal Code of any of those offences, and shall again be convicted of the *same* offence, he may be punished with whipping *in lieu of*, or *in addition to*, any other punishment to which he may for such offence be liable under that Code.

(*c*) By section 4, however, it is enacted that, whoever having been *previously* convicted of any of the offences specified in this section of the Act shall be *again* convicted of the *same* offence, may be punished with whipping *in addition* to any other punishment to which he may be liable under the Indian Penal Code.

(*d*) The punishment of whipping under section 2 can be imposed only on conviction of any of the offences therein specified, if the offence have been committed subsequently to the 18th February 1864, the date on which Act VI of 1864 became law.

(*e*) It should be remarked that under sections 3 and 4, both the convictions must be for the *same* offence, which must be one of the offences specified in sections 2 and 4 respectively, in order to render the offender liable to whipping in lieu of, or in addition to, any other punishment, and that under section 4, the punishment of whipping *cannot* be inflicted in lieu of any other punish-

[1] To which may be added offences under section 14, Act III of 1880.

ment, but may be inflicted only in *addition* to such punishment. Sessions Judges and Magistrates should bear in mind that, under section 393, Act X of 1882, no person who may be sentenced to death or to transportation, or to penal servitude, or to imprisonment *for more than five years*, and no person whom the Court considers to be more than 45 years of age, and no female, can be punished with whipping.

(*f*) Section 5 provides for the whipping of juvenile offenders[1] convicted of any offence which is not punishable by the Indian Penal Code with death. It should be observed that the punishment of whipping must in such case be administered only *in lieu* of any other punishment; that it may be inflicted for a first or any other offence, but that, as remarked in para. (*d*) with reference to offences falling under section 2, the offence must have been committed subsequently to the 18th February 1864, the date of the passing of Act VI of 1864. The whipping of juveniles, as is by section 392 of Act X of 1882 declared, shall be "inflicted in the way of school discipline with a light rattan."

(*g*) Section 6 provides for exceptional cases not of general application.

(*h*) It has been already pointed out that a rattan not exceeding half an inch in diameter shall be employed in the whipping of adults and that the punishment shall be inflicted on the breech. It therefore only remains to remark that the maximum of punishment is 30 stripes, and that the Lieutenant-Governor of Bengal has ordered[2] that, where whipping is the sole punishment awarded, officers should make arrangements for having it carried out at once at the Magistrate's office in communi-

[1] *i. e.*, offenders under 16 years of age (section 392, Act X of 1882).

[2] Circular, 21st January 1876.

cation with the Civil Surgeon or Native Doctor of the station.

(*i*) All officers are reminded that the Governor General in Council considers that the precaution of having a Medical Officer present at the time of the infliction of the punishment should be observed in every instance when practicable.

(*j*) Particular attention should be directed to section 394, C. C. P., which prohibits the execution of a sentence of whipping when the offender is not in a fit state of health to undergo that punishment, and to section 393, which prohibits the infliction of whipping by instalments.

(*k*) The Court expect that great care and proper moderation will be exhibited by all officers in exercising the powers vested in them by Act VI of 1864, and that, after this full explanation of its provisions, no irregularities will occur in carrying them into practice.[1]

[1] An appeal lies against sentences of whipping passed by Magistrates of the second class, but if awarded in lieu of any other punishment, the sentence should be carried into execution without delay. The effect of the appeal will be to ascertain the correctness of a sentence already carried out, and not to bring under review the sentence itself with a view to its revision (*Cal. H. C., 314, 1864*).

APPENDICES.

PAGES.

A.—Forms under the Code of Criminal Procedure, Act X of 1882, Schedule V . . . . . 155 to 215

B.—Miscellaneous forms, or forms other than those in Act X, 1882, and in preceding pages . . . . . 216 to 261

High Court, Criminal No. 1 (No. I, Schedule V, Act X, 1882).

Summons to an Accused Person.

(SECTION 68 OF THE CODE OF CRIMINAL PROCEDURE.)

To

OF

WHEREAS your attendance is necessary to answer to a charge of

[1]

you are hereby required to appear [2]

before the of

on the day of . Herein fail not

Dated this day of 18 .

Magistrate.

[1] State shortly the offence charged.

[2] In person or by pleader as the case may be.

High Court, Criminal No. 2 (No. II, Schedule V, Act X, 1882).

Warrant of Arrest.

(SECTION 75 OF THE CODE OF CRIMINAL PROCEDURE.)

[1] Name and designation of the person or persons who is or are to execute the warrant.

To [1]

WHEREAS

of

[2] State the offence.

stands charged with the offence of [2]

you are hereby directed to arrest the said

and produce him before me. Herein fail not

Dated this *day of* *18* .

Magistrate.

(*See section 76.*)

If the said shall give bail, himself in the sum of with suret in the sum of to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this *day of* *18* .

Magistrate.

High Court, Criminal No. 3 (No. III, Schedule V, Act X, 1882).

Bond and Bail-bond after Arrest under a Warrant.

(SECTION 86 OF THE CODE OF CRIMINAL PROCEDURE.)

I,[1] of being brought before the[2] under a warrant issued to compel my appearance to answer to the charge of[3] do hereby bind myself to attend in the Court of on the day of next to answer to the said charge, and to continue so to attend until otherwise directed by the Court; and in case of my making default therein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

[1] Name.

[2] District Magistrate of *or* as the case may be.

[3] State the offence.

Dated this day of 18 .

I do hereby declare myself surety for the abovenamed of , that he shall attend before in the Court of on the day of next to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Court; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of 18 .

High Court, Criminal No. 4 (No. IV, Schedule V, Act X, 1882).

Proclamation requiring the Appearance of a Person accused.

(SECTION 87 OF THE CODE OF CRIMINAL PROCEDURE.)

WHEREAS complaint has been made before me that [1] [2] the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said [3] cannot be found; and whereas it has been shown to my satisfaction that the said [3] [4]

Proclamation is hereby made that the said of is required to appear at [5] before [6] to answer the said complaint within days from this date.

Dated this day of 18 .

[1] Name, description, and address.

[2] Has committed *or* is suspected to have committed.

[3] Name.

[4] Has absconded *or* is concealing himself to avoid the service of the said warrant.

[5] Place.

[6] This Court *or* before me.

High Court, Criminal No. 5 (No. V, Schedule V, Act X, 1882).

Proclamation requiring the Attendance of a Witness.

(SECTION 87 OF THE CODE OF CRIMINAL PROCEDURE.)

WHEREAS complaint has been made before me that [1]

[2]

the offence of [3]

and a warrant has been issued to compel the attendance of [4]

before this Court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said [5] cannot be served, and it has been shown to my satisfaction that he [6]

Proclamation is hereby made that the said [7]

is required to appear at [8] before the Court of

on the day of

next at o'clock to be examined touching

the offence complained of.

Dated this day of 18 .

[1] Name, description, and address.

[2] Has committed *or* is suspected to have committed.

[3] Mention the offence concisely.

[4] Name, description, and address of the witness.

[5] Name of witness.

[6] Has absconded *or* is concealing himself to avoid the service of the said warrant.

[7] Name.

[8] Place.

High Court, Criminal No. 6 (No. VI, Schedule V, Act X, 1882).

Order of Attachment to compel the Attendance of a Witness.

(SECTION 88 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE POLICE-OFFICER IN CHARGE OF THE POLICE-STATION AT

WHEREAS a warrant has been duly issued to compel the attendance of [1]

[1] Name, description, and address.

to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he [2]

[2] Has absconded *or* is concealing himself to avoid the service of the said warrant.

and thereupon a Proclamation was duly issued and published requiring the said

to appear and give evidence at the time and place mentioned therein, and he has failed to appear.

This is to authorize and require you to attach by seizure the moveable property belonging to the said to the value of rupees which you may find within the district of and to hold the said property under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of 18 .

Appendix A (Procedure Code Forms).

High Court, Criminal No. 7 (No. VI, Schedule V, Act X, 1882).

Order of Attachment to compel the Appearance of a Person accused.

(SECTION 88 OF THE CODE OF CRIMINAL PROCEDURE.)

To

WHEREAS complaint has been made before me that [2]

[3]

the offence of punishable under Section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said [4] cannot be found; and whereas it has been shown to my satisfaction that the said [4 5] , and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than land paying revenue to Government in the [6] of in the district of *viz.*

and an order has been made for the attachment thereof.

You are hereby required to attach the said property by seizure and to hold the same under attachment pending further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of 18

[1] Name and designation of the person or persons who is or are to execute the warrant.

[2] Name, description, and address.

[3] Has committed *or* is suspected to have committed.

[4] Name.

[5] Has absconded *or* is concealing himself to avoid the service of the said warrant

[6] Village *or* town.

High Court, Criminal No. 8 (No. VI, Schedule V, Act X, 1882).

Order authorizing an Attachment by the Deputy Commissioner as Collector.

(SECTION 88 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE DEPUTY COMMISSIONER OF THE DISTRICT OF

WHEREAS complaint has been made before me that[1]

[2] .

the offence of punishable under Section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said[3] cannot be found; and whereas it has been shown to my satisfaction that the said[3] [4]

and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days, but he has not appeared; and whereas the said is possessed of certain land paying revenue to Government in the[5] of in the district of

[1] Name, description, and address.

[2] Has committed *or* is suspected to have committed.

[3] Name.

[4] Has absconded *or* is concealing himself to avoid the service of the said warrant.

[5] Village *or* town.

You are hereby authorized and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this day of 18 .

High Court, Criminal No. 9 (No. VII, Schedule V, Act X, 1882).

Warrant in the first instance to bring up a Witness.

(SECTION 90 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name and designation of the Police-officer or other person or persons who is or are to execute the warrant.

WHEREAS complaint has been made before me that

of [2]

[2] Has *or* is suspected to have.

committed the offence of [3]

[3] Mention the offence concisely.

and it appears likely that [4]

[4] Name and description of witness.

can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so.

This is to authorize and require you to arrest the said [5] and on the day of to bring him before this Court, to be examined touching the offence complained of

[5] Name.

Given under my hand and the seal of the Court, this day of 18

High Court, Criminal No. 10 (No. VIII, Schedule V, Act X, 1882).

Warrant to Search after Information of a Particular Offence.

(SECTION 96 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name and designation of the Police-officer *or* other person or persons who is or are to execute the warrant.

WHEREAS [2]

[2] Information has been laid *or* complaint has been made.

before me of the [3]

[3] Commission or suspected commission.

of the offence of [4]

[4] Mention the offence concisely.

and it has been made to appear to me that the production of [5]

[5] Specify the thing clearly.

is essential to the enquiry [6]

[6] Now being made *or* about to be made.

into the said [7]

[7] Offence *or* suspected offence.

This is to authorize and require you to search for the said [8]

[8] The thing specified.

in the [9]

[9] Describe the house or place, or part thereof, to which the search is to be confined.

and, if found, to produce the same forthwith before this Court, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this

day of 18.

Appendix A (Procedure Code Forms).

High Court, Criminal No. 11 (No. IX, Schedule V, Act X, 1882).

Warrant to Search Suspected Place of Deposit.

(SECTION 98 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name and designation of a Police-officer above the rank of a constable.

WHEREAS information has been laid before me, and on due inquiry thereupon had I have been led to believe that the [2]

[2] Describe the house *or* other place.

is used as a place for the [3]

[3] Deposit *or* sale of stolen property, *or*, if for either of the other purposes expressed in the section, state the purpose in the words of the section.

This is to authorize and require you to enter the said [4] with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search [5]

[4] House *or* other place.

[5] Every part of the said house *or* other place, *or* if the search is to be confined to a part, specify the part clearly.

and to seize and take possession of any [6]

[6] Property *or* documents *or* stamps, *or* seals, *or* coins, as the case may be. Add (when the case requires, it) "and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents *or* counterfeit stamps, *or* false seals, *or* counterfeit coin," as the case may be.

and forthwith to bring before this Court such of the said things as may be taken possession of; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this
day of 18

High Court, Criminal No. 12 (No. X, Schedule V, Act X, 1882).

Bond to keep the Peace.

(SECTION 106 OF THE CRIMINAL PROCEDURE CODE.)

[1] Name.

[2] Place

WHEREAS I, [1]
inhabitant of [2]
have been called upon to enter into a bond to keep the peace for the term of

I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term; and in case of my making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this *day of* *18* .

[3] I *or* we.
[4] Myself *or* ourselves.

[3] do hereby declare [4] suret for the abovenamed

that he shall not commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term; and in case of his making default therein, [3]

[4] Myself *or* ourselves, jointly and severally.

bind [5] to forfeit to Her Majesty the sum of rupees

Dated this *day of* *18* .

Appendix A (Procedure Code Forms).

High Court, Criminal No. 13 (No. XI, Schedule V, Act X, 1882).

Bond for Good Behaviour.

(SECTIONS 109 AND 110 OF THE CRIMINAL PROCEDURE CODE.)

WHEREAS I, [1]
inhabitant of [2]
have been called to enter into a bond to be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects for the term of [3]

[1] Name.
[2] Place.
[3] State the period.

I hereby bind myself to be of good behaviour to Her Majesty and to all Her subjects during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees

Dated this *day of* *18* .

---

[4] do hereby declare [5] suret for the abovenamed

[4] I *or* we
[5] Myself *or* ourselves.

that he shall be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects during the said term; and in case of his making default therein, [4] bind [5] to forfeit to Her Majesty the sum of rupees

Dated this *day of* *18* .

High Court, Criminal No. 14 (No. XII, Schedule V, Act X, 1882).

Summons on Information of a probable Breach of the Peace.

(SECTION 114 OF THE CODE OF CRIMINAL PROCEDURE.)

To

of

WHEREAS it has been made to appear to me by credible information that [1] [2] , you are hereby required to attend [3] at the office of the Magistrate of on the day of 18 at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees [4] , that you will keep the peace for the term of

Given under my hand and the seal of the Court, this day of 18 .

[1] State the substance of the information.

[2] And that you are likely to commit a breach of the peace *or* by which act a breach of the peace will probably be occasioned.

[3] In person *or* by a duly authorized agent.

[4] *When sureties are required,* and also to give security by the bond of one *or* two, *as the case may be.* Surety *or* sureties in the sum of rupees each (*if more than one*).

High Court, Criminal No. 15 (No. XIII, Schedule V, Act X, 1882).

Warrant of Commitment on Failure to find Security to keep the Peace.

(SECTION 123 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE [1] OF THE JAIL AT

WHEREAS [2] appeared before me [3] on the day of in obedience to summons calling upon him to show cause why he should not enter into [4] , that he the said [5] would keep the peace for the period of months; and whereas an order was then made requiring the said [5] to enter into and find such security [6] and he has failed to comply with the said order.

This is to authorize and require you the said [7] to receive the said [5] into your custody, together with this warrant and him safely to keep in the said

[1] Superintendent *or* keeper.

[2] Name and address.

[3] In person *or* by his authorized agent.

[4] A bond for rupees with one surety *or* a bond with two sureties, each in rupees

[5] Name.

[6] State the security ordered when it differs from that mentioned in the summons.

[7] Superintendent *or* keeper.

(*See Chapter I, Rule 7, supra.*)

[8] Term of imprisonment.
[9] Surety or sureties.

jail for the said period of [8] unless he shall in the meantime comply with the said order by himself and his [9] entering into the said bond, in which case the same shall be received, and the said [5] released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 18 .

High Court, Criminal No. 16 (No. XIV, Schedule V, Act X, 1882).

Warrant of Commitment on failure to find Security for Good Behaviour.

(SECTION 123 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE [1] OF THE JAIL AT

[1] Superintendent *or* keeper.

WHEREAS [2]

[2] It has been made to appear to me that (*name and description*) has been and is lurking within the district of having no ostensible means of subsistence, *or* that he is unable to give any satisfactory account of himself; *or* whereas evidence of the general character of (*name and description*) has been adduced before me and recorded, from which it appears that he is an habitual robber *or* house-breaker &c., *as the case may be*

And whereas an order has been recorded stating the same

(*See Chapter I, Rule 7, supra.*)

[3] Name.

and requiring the said 3 to

[4] State the period.

furnish security for his good behaviour for the term of 4

[5] One surety *or* two *or* more sureties as the case may be.

by entering into a bond with 5

[6] The said surety *or* each of the said sureties.

himself for rupees and 6

for rupees and the said 3

has failed to comply with the said order, and for such default

[7] State the term.

has been adjudged imprisonment for 7 unless

the said security be sooner furnished.

[8] Superintendent *or* keeper.

This is to authorize and require you the said 8

to receive the said 3 into your

custody, together with this warrant, and him safely to keep in

[9] Term of imprisonment.

the said jail for the said period of 9

unless he shall in the meantime comply with the said order by

[10] Surety *or* sureties.

himself and his 10 entering into the said bond,

in which case the same shall be received, and the said 3

released; and to return this warrant with

an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this

day of 18 .

High Court, Criminal No. 17 (No. XV, Schedule V, Act X, 1882).

Warrant to discharge a person imprisoned on failure to give security.

(SECTIONS 123 AND 124 OF THE CODE OF CRIMINAL PROCEDURE.)

TO

THE [1] OF THE JAIL AT

WHEREAS [2]

was committed to your custody under warrant of this Court, dated the day of and [3]

This is to authorize and require you forthwith to discharge the said [4] from your custody, unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, this

day of 18 .

[1] Superintendent *or* keeper, *or* other officer in whose custody the person is.

[2] Name and description of prisoner.

[3] Has since duly given security under Section of the Code of Criminal Procedure

or

and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community.

[4] Name.

High Court, Criminal No. 18 (No. XVI, Schedule V, Act X, 1882).

Order for the Removal of Nuisances.

(SECTION 133 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name, description, and address.

WHEREAS it has been made to appear to me that you [2]

[2] Continue as in Form No. XVI, Schedule V, Act X of 1882.

I do hereby direct and require you within [3] to [2]

[3] State the time allowed.

Given under my hand and the seal of the Court, this

day of 18 .

High Court, Criminal No. 19 (No. XVII, Schedule V, Act X, 1882).

Magistrate's Order constituting a Jury.

(SECTION 138 OF THE CODE OF CRIMINAL PROCEDURE.)

WHEREAS on the day of 18 , an order was issued to [1] requiring him [2] and whereas the said [1] has applied to me by a petition bearing date the day of for an order appointing a jury to try whether the said recited order is reasonable and proper, I do hereby appoint [3] to the jury to try and decide the said questions, and do require the said jury to report their decision within days from the date of this order at my office at

[1] Name.
[2] State the effect of the order.
[3] The names, &c., of the five or more jurors.

Given under my hand and the seal of the Court, this day of 18 .

High Court, Criminal No. 20 (No. XVIII, Schedule V, Act X, 1882).

Magistrate's Notice and Peremptory Order after the Finding by a Jury.

(SECTION 140 OF THE CODE OF CRIMINAL PROCEDURE.)

[1] Name, description, and address.

To[1]

I HEREBY give you notice that the jury duly appointed on the petition presented by you on the day of have found that the order issued on the day of requiring you[2] is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within[3] on peril of the penalty provided by the Indian Penal Code for disobedience thereto.

[2] State substantially the requisition in the order.

[3] State the time allowed.

Given under my hand and the seal of the Court, this

day of 18 .

High Court, Criminal No. 21 (No. XIX, Schedule V, Act X, 1882).

Injunction to provide against Imminent Danger pending inquiry by Jury.

(SECTION 142 OF THE CODE OF CRIMINAL PROCEDURE.)

To[1]

[1] Name, description, and address.

WHEREAS the inquiry by a jury appointed to try whether my order issued on the day of 188 is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section 142 of the Code of Criminal Procedure, direct and enjoin you forthwith to[2] pending the result of the local inquiry by the jury.

[2] State plainly what is required to be done as a temporary safeguard.

Given under my hand and the seal of the Court, this day of 18 .

High Court, Criminal No. 22 (No. XX, Schedule V, Act X, 1882).

Magistrate's Order prohibiting the Repetition, &c., of a Nuisance.

(SECTION 143 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name, description, and address.

WHEREAS it has been made to appear to me that [2]

[2] State the proper recital, guided by Form No. XVI or Form No. XXI of Schedule V, Act X of 1882, as the case may be.

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed [3]

[3] As the case may be.

Given under my hand and the seal of the Court, this

day of 18 .

High Court, Criminal No. 23 (No. XXI, Schedule V, Act X, 1882).

Magistrate's Order to prevent Obstruction, Riot, &c.

(SECTION 144 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name, description, and address.

WHEREAS it has been made to appear to me that you [2]

[2] Follow the recital given in Form No. XXI, Schedule V, Act X, 1882.

I do hereby [2]

Given under my hand and the seal of the Court, this

day of 18 .

High Court, Criminal No. 24 (No. XXII, Schedule V, Act X, 1882).

Magistrate's Order declaring party entitled to retain possession of Land, &c., in dispute.

(SECTION 145 OF THE CODE OF CRIMINAL PROCEDURE.)

IT appearing to me on the grounds duly recorded, that a dispute likely to induce a breach of the peace, existed between [1]

concerning certain [2]
situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said [3]

and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said [4]

I do decide and declare that [5]

in possession of the said [6]

and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of [7] possession in the meantime.

Given under my hand and the seal of the Court, this day of 18 .

[1] Describe the parties by name and residence, *or* residence only if the dispute be between bodies of villagers.

[2] State concisely the subject of dispute.

[3] The subject of dispute.

[4] Name *or* names, *or* description.

[5] He is *or* they are.

[6] The subject of dispute.

[7] His *or* their.

Appendix A (Procedure Code Forms).

High Court, Criminal No. 25 (No. XXIII, Schedule V, Act X, 1882).

Warrant of Attachment in the case of a Dispute as to the possession of Land, &c.

(SECTION 146 OF THE CODE OF CRIMINAL PROCEDURE.)

TO THE [1]

WHEREAS it has been made to appear to me that a dispute, likely to induce a breach of the peace, existed between [2]

concerning certain [3] situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims,

as to the fact of actual possession of the said [4]

and whereas upon due inquiry into the said claims, [5]

This is to authorize and require you to attach the said [6] by taking and keeping possession thereof and to hold the same under attachment until the decree or order of a competent Court determining the rights ot the parties or the claim to possession shall have been obtained; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 18

[1] Police-officer in charge of the Police-station at *or* to the Collector of

[2] Describe the parties concerned by name and residence, or residence only, if the dispute be between bodies of villagers.

[3] State concisely the subject of dispute.

[4] The subject of dispute.

[5] I have decided that neither of the said parties was in possession of the said (the subject of dispute), *or* I am unable to satisfy myself as to which of the said parties was in possession as aforesaid.

[6] The subject of dispute.

High Court, Criminal No. 26 (No. XXIV, Schedule V, Act X, 1882).

Magistrate's Order prohibiting the doing of anything on land or water.

(SECTION 147 OF THE CODE OF CRIMINAL PROCEDURE.)

A DISPUTE having arisen concerning the right of use of [1] situate within the limits of my jurisdiction, the possession of which [2] is claimed exclusively by [3] , and it appearing to me, on due inquiry into the same, that the said [4] has been opened to the enjoyment of such use by [5] and [6] I do order that the said [7] or any one in their interest, shall not [8] possession of the said [9] to the exclusion of the enjoyment of the right of use aforesaid, until [10] shall obtain the decree or order of a competent Court adjudging [11] to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of 18 .

[1] State concisely the subject of dispute.
[2] Land *or* water.
[3] Describe the person *or* persons.
[4] Land *or* water.
[5] The public, or if by an individual or a class of persons, describe him or them.
[6] (If the use can be enjoyed throughout the year) that the said use has been enjoyed within three months of the institution of the said inquiry (or if the use is enjoyable only at particular seasons, say) "during the last of the seasons at which the same is capable of being enjoyed."
[7] The claimant *or* claimants of possession.
[8] Take *or* retain.
[9] Land *or* water.
[10] He *or* they.
[11] Him *or* them.

High Court, Criminal No. 27 (No. XXV, Schedule V, Act X, 1882).

Bond and Bail-bond on a Preliminary Inquiry before a Police-officer.

(SECTION 169 OF THE CODE OF CRIMINAL PROCEDURE.)

I[1] of being charged with the offence of and after inquiry[2] do hereby bind myself to appear at in the Court of on[3] to answer further to the said charge; and in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of 18 .

[4] for the above said that he shall attend at in the Court of on[5] further to answer the charge pending against him; and in case of his making default therein[6] to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of 18 .

[1] Name.

[2] Required to appear before the Magistrate of *or* and after inquiry called upon to enter into my own recognizance to appear when required.

[3] The day of next *or* on such day as I may hereafter be required to attend.

[4] I hereby declare myself (*or* we jointly and severally declare ourselves and each of us) surety (*or* sureties).

[5] The day of next (*or* on such day as he may hereafter be required to attend.

[6] I hereby bind myself (*or* we hereby bind ourselves).

High Court, Criminal No. 28 (No. XXVI, Schedule V, Act X, 1882).

Bond to Prosecute or give Evidence.

(SECTION 170 OF THE CODE OF CRIMINAL PROCEDURE.)

I,[1] of[2]

Name. Place.

do hereby bind myself to attend at , in the Court of at o'clock on the day of next, and then and there to[3]

Prosecute *or* prosecute and give evidence, *or* give evidence.

in the matter of a charge of against one ; and in case of making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of 18 .

Magistrate.

High Court, Criminal No. 29 (No. XXVII, Schedule V, Act X, 1882).

Notice of Commitment by Magistrate to Government Pleader.

(SECTION 218 OF THE CODE OF CRIMINAL PROCEDURE.)

THE Magistrate of

hereby gives notice that he has committed one

for trial at the next Sessions; and the Magistrate hereby instructs the Government Pleader to conduct the prosecution of the said case.

The charge against the accused is that,[1]

[1] State the offence as in the charge.

Dated this *day of* *18* .

High Court, Criminal No. 30 (No. XXVIII (I), Schedule V, Act X, 1882).

Charges with one head.

(SECTIONS 221, 222, 223, CODE OF CRIMINAL PROCEDURE.)

I,[1]

[1] Name and office of Magistrate, &c.

hereby charge you [2]

[2] Name of accused person.

as follows:—

That you, on or about the

day of at

[3] State the offence.

[3]

and thereby committed an offence punishable under Section

[4] My cognizance *or* the cognizance of the Court of Session.

of the Indian Penal Code, and within [4]

[5] *In cases tried by Magistrates omit* "by the said Court."

And I hereby direct that you be tried [5] by the said Court on the said charge.

Magistrate.

Dated this day of 18

Appendix A (Procedure Code Forms).

High Court, Criminal No. 31 (No. XXVIII (II), Schedule V, Act X, 1882).

Charges with two heads.

(SECTIONS 221, 222, 223, CODE OF CRIMINAL PROCEDURE.)

I,[1]

hereby charge you[2]

as follows :—

First.—That you, on or about the

day of at

and thereby committed an offence punishable under Section

of the Indian Penal Code, and within[3]

Secondly.—That you, on or about the day

of at

and thereby committed an offence punishable under Section

of the Indian Penal Code, and within[3]

And I hereby direct that you be tried[4] by the said Court on the said charge.

Magistrate.

Dated this day of 18 .

[1] Name and office of Magistrate, &c.
[2] Name of accused person.
[3] My cognizance *or* the cognizance of the Court of Session.
[4] *In cases tried by Magistrates omit* "by the said Court."

High Court, Criminal No. 32 (No. XXVIII (II), Schedule V, Act X, 1882).

Charges with three heads.

(SECTIONS 221, 222, 223, CODE OF CRIMINAL PROCEDURE.)

[1] Name and office of Magistrate, &c.
[2] Name of accused person.

I, [1]
hereby charge you, [2]
as follows:—

First.—That you, on or about the day of
at

and thereby committed an offence punishable under Section
of the Indian Penal Code, and within [3]

[3] My cognizance *or* the cognizance of the Court of Session.

Secondly.—That you, on or about the day of
at

and thereby committed an offence punishable under Section
of the Indian Penal Code, and within [3]

Thirdly.—That you, on or about the day of
at

and thereby committed an offence punishable under Section
of the Indian Penal Code, and within [3]

And I hereby direct that you be tried [4] by the said Court on the said charge.

[4] *In cases tried by Magistrates omit* "by the said Court."

Magistrate.

Dated

High Court, Criminal No. 33 (No. XXVIII (II), Schedule V, Act X, 1882).

Charges with four heads.

(SECTIONS 221, 222, 223, CODE OF CRIMINAL PROCEDURE.)

I, [1]
hereby charge you, [2]
as follows :—

First.—That you, on or about the day of
at

and thereby committed an offence punishable under Section
of the Indian Penal Code, and within [3]

Secondly.—That you, on or about the day of
at

and thereby committed an offence punishable under Section
of the Indian Penal Code, and within [3]

Thirdly.—That you, on or about the day of
at

and thereby committed an offence punishable under Section
of the Indian Penal Code, and within [3]

Fourthly.—That you, on or about the day of
at

and thereby committed an offence punishable under Section
of the Indian Penal Code, and within [3]

And I hereby direct that you be tried [4] by the said Court on the said charge.

Magistrate.

Dated

[1] Name and office of Magistrate, &c.
[2] Name of accused person.
[3] My cognizance *or* the cognizance of the Court of Session.
[4] *In cases tried by Magistrates omit* "by the said Court"

High Court, Criminal No. 34 (No. XXVIII (III), Schedule V, Act X, 1882).

Charge for theft after a previous conviction.

Name and office of Magistrate, &c.

I, [1]

[2] Name of accused person.

hereby charge you, [2]

as follows :—

That you, on or about the day of at , committed theft, and thereby committed an offence punishable under Section 379 of the Indian Penal Code, and within the cognizance of the [3]

[3] Court of Session or High Court, Magistrate, as the case may be.

[4] Name of accused.

And you the said [4]

stand further charged that you before the committing of the said offence, that is to say, on the day of

[5] State Court by which conviction was had.

had been convicted by the [5] at

of an offence punishable under Chapter XVII of the Indian Penal Code with imprisonment for a term of three years, that is to say [6]

[6] Describe the offence in the words used in the Section under which the offence was committed.

which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under Section 75 of the Indian Penal Code.

And I hereby direct that you be tried by the said Court on the said charge.

Appendix A (Procedure Code Forms).

High Court, Criminal No. 35 (No. XXIX, Schedule V, Act X, 1882).

Warrant of Commitment on a Sentence of Imprisonment or Fine by a Magistrate.

(SECTIONS 245 AND 258 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE [1] OF THE JAIL AT

WHEREAS on the day of 18

the [3] prisoner in case No. of the calendar for 18 , was convicted before me [4]

of the offence of [5]

under Section [6] of the [7]

and was sentenced to [8]

This is to authorize and require you, the said [9]

to receive the said [10] into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of 18 .

[1] Superintendent or keeper.

[3] Name of prisoner.

[3] 1st, 2nd, 3rd, as the case may be.

[4] Name and official designation.

[5] Mention the offence or offences concisely.

[6] *Or* Sections.
[7] Indian Penal Code *or* of Act.

[8] State the punishment fully and distinctly.

[9] Superintendent or keeper.

[10] Prisoner's name.

N. B.—This form applies to all Criminal Courts, *mutatis mutandis*. See also instructions in Chapter I, Rule 7, *supra*.

High Court, Criminal No. 36 (No. XXX, Schedule V, Act X, 1882).

Warrant of Imprisonment on failure to recover amends by distress.

(SECTION 250 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE [1] OF THE JAIL AT

WHEREAS [2]
has brought against [3]

the complaint that [4]
and the same has been dismissed as [5] and the order of dismissal awards payment by the said [6]
of the sum of rupees
as amends; and whereas the said sum has not been paid and cannot be recovered by distress of the moveable property of the said [7]
and an order has been made for his simple imprisonment in jail for the period of days, unless the aforesaid sum be sooner paid.

This is to authorize and require you, the said [8]
to receive the said [9] into your custody, together with this warrant, and him safely to keep in the said jail for the said period of [10]
subject to the provisions of Section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof forthwith to set him at liberty; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this
day of 18 .

(*See Chapter I, Rule 7, supra*)

[1] Superintendent *or* keeper.
[2] Name and description.
[3] Name and description of the accused person.
[4] Mention it concisely.
[5] Frivolous *or* vexatious.
[6] Name of complainant.
[7] Name of complainant.
[8] Superintendent *or* keeper.
[9] Name.
[10] Term of imprisonment.

High Court, Criminal No. 37 (No. XXXI, Schedule V, Act X, 1882).

Summons to a Witness.

(SECTIONS 68 AND 252 OF THE CODE OF CRIMINAL PROCEDURE.)

To

of

WHEREAS complaint has been made before me that

of

[1] committed the offence of [2]

and it appears to me that you are likely to give material evidence for the prosecution.

[1] Has *or* is suspected to have.
[2] *State the offence concisely with time and place.*

You are hereby summoned to appear before this Court on the day of next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this

day of 18 .

High Court, Criminal No. 38 (No. XXXII, Schedule V, Act X, 1882).

Precept to District Magistrate to summon Jurors and Assessors.

(SECTION 326 OF THE CODE OF CRIMINAL PROCEDURE.

To

THE DISTRICT MAGISTRATE OF

WHEREAS a Criminal Session is appointed to be held in the Court-house at on the day of next, and the names of the persons herein stated have been duly drawn by lot from among those named in the revised list of jurors and assessors furnished to this Court, you are hereby required to summon the said persons to attend at the said Court of Session at 10 A.M. on the said date, and, within such date, to certify that you have done so in pursuance of this precept.

Here enter the names of jurors and assessors.

Given under my hand and the seal of the Court, this day of 18 .

High Court, Criminal No. 39 (No. XXXIII, Schedule V, Act X, 1882).

Summons to Assessor or Juror.

SECTION 328 OF THE CODE OF CRIMINAL PROCEDURE.)

To

of

PURSUANT to a precept directed to me by the Court of Session of requiring your attendance as [1] at the next Criminal Session, you are hereby summoned to attend at the said Court of Session at [2] at ten o'clock in the forenoon on the day of next.

[1] An assessor *or* juror.

[2] Place.

Given under my hand and seal of office, this
day of 18 .

High Court, Criminal No. 40 (No. XXXIV, Schedule V, Act X, 1882).

Warrant of Commitment under Sentence of Death.

(SECTION 374 OF THE CODE OF CRIMINAL PROCEDURE.)

[1] Superintendent *or* keeper.

TO THE [1] OF THE JAIL AT

WHEREAS at the Session held before me on the day of 18 [2]

[2] Name of prisoner.

[3] 1st, 2nd, 3rd, as the case may be.

the [3] prisoner in case No. of the calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under Section of the Indian Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the High Court of Judicature in Bengal.

[4] Superintendent *or* keeper.
[5] Prisoner's name.

This is to authorize and require you, the said [4] to receive the said [5] into your custody in the said jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said High Court.

Given under my hand and the seal of the Court, this day of 18 .

(See Chapter I, Rule 7, supra)

Appendix A (Procedure Code Forms).

High Court, Criminal No. 41 (Form No. XXXV, Schedule V, Act X, 1882).

Warrant of Execution on a Sentence of Death.

(SECTION 381, CRIMINAL PROCEDURE CODE.)

TO THE [1] OF THE JAIL AT

[1] Superintendent *or* keeper.

WHEREAS [2] the [3] prisoner in case No. of the calendar at the Session held before me on the day of 18 , has been by a warrant of this Court, dated the day of , committed to your custody under sentence of death, and whereas the order of the High Court of Judicature in Bengal confirming the said sentence has been received by this Court.

[2] Name of prisoner.

[3] 1st, 2nd, 3rd, as the case may be.

This is to authorize and require you, the said [4] to carry the said sentence into execution by causing the said to be hanged by the neck until he be dead, at [5] and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

[4] Superintendent *or* keeper.

[5] Time and place of execution.

Given under my hand and the seal of the Court, this day of 18 .

Sessions Judge.

(See Chapter I, Rule 7, supra.)

High Court, Criminal No. 42 (No. XXXVI, Schedule V, Act X, 1882).

Warrant after a Commutation of Sentence.

(SECTIONS 381 AND 382 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE [1] OF THE JAIL AT

Superintendent *or* keeper.

WHEREAS at a Session held on the day of 18 , [2] the [3] prisoner in case No. of the calendar at the said Session, was convicted of the offence of punishable under Section of the Indian Penal Code, and sentenced to , and was thereupon committed to your custody; and whereas by the order of the Court of (a duplicate of which is hereunto annexed) the punishment adjudged by the said sentence has been commuted to the punishment of [4]

[2] Name of prisoner.

[3] 1st, 2nd, 3rd, as the case may be.

This is to authorize and require you, the said [5] safely to keep the said [6] in your custody in the said jail [7]

[4] Transportation for life *or* as the case may be.

[5] Superintendent *or* keeper.

[6] Prisoner's name.

[7] Continue as directed in Form No. XXXVI, Schedule 5, Act X, 1882.

Given under my hand and the seal of the Court, this day of 18 .

(*See Chapter I, Rule 7, supra.*)

High Court, Criminal No. 43 (No. XXXVII, Schedule V, Act X, 1882).

Warrant to levy a Fine by Distress and Sale.

(SECTION 386, CRIMINAL PROCEDURE CODE.)

To [1]

WHEREAS [2]

was on the day of 18

convicted before me of the offence of [3]

and sentenced to pay a fine of rupees

and whereas the said [4] , although

required to pay the said fine, has not paid the same or any part thereof.

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said [5]

which may be found within the district of

; and, if within [6]

next after such distress the said sum shall not be paid (or forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this

day of 18 .

[1] Name and designation of the Police-officer or other person or persons who is or are to execute the warrant.

[2] Name and description of the offender.

[3] Mention the offence concisely.

[4] Name.

[5] Name.

[6] State the number of days or hours allowed.

High Court, Criminal No. 44 (No. XXXVIII, Schedule V, Act X, 1882).

Warrant of Commitment in Certain Cases of Contempt when a fine is imposed.

(SECTION 480 OF THE CODE OF CRIMINAL PROCEDURE.)

Superintendent *or* keeper.

TO THE [1] OF THE JAIL AT

WHEREAS at a Court holden before me on this day [2] in the [3] of the Court committed wilful contempt; and whereas for such contempt the said [4] has been adjudged by the Court to pay a fine of rupees or, in default, to suffer simple imprisonment for the space of [5]

This is to authorize and require you, the [6] of the said jail, to receive the said [7] into your custody together with this warrant, and him safely to keep in the said jail for the said period of [8] unless the said fine be sooner paid; and on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 18 .

[2] Name and description of the offender.

[3] Presence *or* view.

[4] Name of offender.

[5] State the number of months or days.

[6] Superintendent *or* keeper.

[7] Name of offender.

[8] Term of imprisonment.

(*See Chapter 1, Rule 7, supra.*)

BENGAL SECRETARIAT LIBRARY

High Court, Criminal No. 45 (No. XXXIX, Schedule V, Act X, 1882).

Magistrate's or Judge's Warrant of Commitment of Witness refusing to answer.

(SECTION 485 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name and designation of officer of Court.

WHEREAS [2]

[2] Name and description.

being [3]

[3] Summoned *or* brought before this Court.

as a witness, and this day required to give evidence on an inquiry into an alleged offence, refused to answer [4]

[4] A certain question *or* certain questions.

put to him touching the said alleged offence, and duly recorded without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for [5]

[5] Term of detention adjudged.

This is to authorize and require you to take the said [6]

[6] Name.

into custody, and him safely keep in your custody for the space of days, unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this

day of 18 .

(*See Chapter I, Rule 7, supra.*)

High Court, Criminal No. 46 (No. XL, Schedule V, Act X, 1882).

Warrant of Imprisonment on failure to pay maintenance.

(SECTION 488 OF THE CODE OF CRIMINAL PROCEDURE.)

TO THE [1] OF THE JAIL AT

[1] Superintendent *or* keeper.

WHEREAS [2]

has been proved before me to be possessed of sufficient means to maintain his [3] who is by reason of [4] unable to maintain [5] and to have [6] to do so, and an order has been duly made requiring the said [7] to allow to his said [8] for maintenance the monthly sum of rupees ; and whereas it has been further proved that the said [7] in wilful disregard of the said order has failed to pay rupees being the amount of the allowance for the month [9] of

[2] Name, description and address.
[3] Wife (*name*) or his child (*name*).
[4] State the reason.
[5] Herself *or* himself.
[6] Neglected *or* refused.
[7] Name.
[8] Wife *or* child.
[9] *Or* months.

And thereupon an order was made adjudging him to undergo [10] imprisonment in the said jail for the period of

[10] Simple *or* rigorous.

This is to authorize and require you the said [11] to receive the said [7] into your custody in the said jail, together with this warrant, and there carry the said order into execution according to law; returning this warrant with an endorsement certifying the manner of its execution.

[11] Superintendent *or* keeper.

Given under my hand and the seal of the Court, this day of 18 .

(*See Chapter I, Rule 7, supra.*)

High Court, Criminal No. 47 (No. XLI, Schedule V, Act X, 1882).

Warrant to enforce the payment of maintenance by Distress and Sale.

(SECTION 488 OF THE CODE OF CRIMINAL PROCEDURE.)

To[1]

[1] Name and designation of the Police-officer *or* other person to execute the warrant.

WHEREAS an order has been duly made requiring[2] to allow to his said[3] for maintenance the monthly sum of rupees and whereas the said[2] in wilful disregard of the said order has failed to pay rupees being the amount of the allowance for the month[4] of

[2] Name.

[3] Wife *or* child.

[4] Or months.

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said[2] which may be found within the district of , and if within[5] next after such distress the said sum shall not be paid (*or* forthwith) to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said sum; returning this warrant with an endorsement certifying what you have done under it immediately upon its execution.

[5] State the number of days *or* hours allowed.

Given under my hand and the seal of the Court, this day of 18

High Court, Criminal No. 48 (No. XLII, Schedule V, Act X, 1882).

Bond and Bail-bond on a Preliminary Inquir ybefore a Magistrate.

(SECTIONS 496 AND 499 OF THE CODE OF CRIMINAL PROCEDURE.)

[1] Name.
[2] Place.
[3] As the case may be.

I,[1] of[2]
being brought before the Magistrate of[3]
charged with the offence of
and required to give security for my attendance in his Court and at the Court of Session, if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary inquiry into the said charge, and should the case be sent for trial by the Court of Session, to be, and appear, before the said Court when called upon to answer the charge against me; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of 18 .

[4] I hereby declare myself *or* we jointly and severally declare ourselves and each of us.
[5] Name.
[6] I bind myself *or* we bind ourselves.

suret for the said[5]
that he shall attend at the Court of
on every day of the preliminary inquiry into the offence charged against him, and should the case be sent for trial by the Court of Session that he shall be and appear before the said Court to answer the charge against him, and in case of his making default therein,[6] to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of 18 .

High Court, Criminal No. 49 (No. XLIII, Schedule V, Act X, 1882).

Warrant to discharge a Person imprisoned on failure to give Security.

(SECTION 500, CRIMINAL PROCEDURE CODE.)

To

THE[1] OF THE JAIL AT

[1] Superintendent or keeper or other officer in whose custody the person is.

WHEREAS[2]

was committed to your custody under warrant of this Court, dated the day of , and has since with his suret duly executed a bond under Section 499 of the Code of Criminal Procedure.

[2] Name and description of prisoner.

This is to authorize and require you forthwith to discharge the said[3] from your custody, unless he is liable to be detained for some other matter.

[3] Name.

Given under my hand and the seal of the Court, this

day of 18 .

High Court, Criminal No. 50 (No. XLIV, Schedule V, Act X, 1882).

Warrant of Attachment to enforce a Bond.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

To

THE POLICE OFFICER IN CHARGE OF THE POLICE STATION AT

WHEREAS[1] has failed to appear on [2] pursuant to his recognizance, and has by such default forfeited to Her Majesty the Queen, Empress of India, the sum of rupees [3] and whereas the said [4] has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him.

[1] Name, description, and address of person.
[2] Mention the occasion.
[3] The penalty in the bond.
[4] Name of person.

This is to authorize and require you to attach any moveable property of the said [4] that you may find within the district of by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this

day of 18 .

High Court, Criminal No. 51 (No. XLV, Schedule V, Act X, 1882).

Notice to Surety on Breach of a Bond.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

To of

WHEREAS on the day of 18 , you became surety for[1] of[2] that[1] he should appear before this Court on the day of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said[1] has failed to appear before this Court, and by reason of such default you have forfeited the aforesaid sum of rupees

[1] Name.
[2] Place.

You are hereby required to pay the said penalty, or show cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of 18

High Court, Criminal No. 52 (No. XLVI, Schedule V, Act X, 1882).

Notice to Surety of Forfeiture of Bond for Good Behaviour.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

To

WHEREAS on the day of 18 , you became surety by a bond for [1] of [2] that he would be of good behaviour for the period of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said [1] has been convicted of the offence of [3] committed since you became such surety, whereby your security bond has become forfeited.

[1] Name.

[2] Place.

[3] Mention the offence concisely.

You are hereby required to pay the said penalty of rupees or to show cause within days why it should not be paid.

Given under my hand and the seal of the Court, this day of 18 .

High Court, Criminal No. 53 (No. XLVII, Schedule V, Act X, 1882).

Warrant of Attachment against a Surety.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

To

WHEREAS [1]

has bound himself as surety for the appearance of [2]

and the said [3] has made default and thereby forfeited to Her Majesty the Queen, Empress of India, the sum of rupees [4]

This is to authorize and require you to attach any moveable property of the said [3] which you may find within the district of by seizure and detention; and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this

day of 18 .

[1] Name, description, and address.

[2] Name of person and mention the condition of the bond.

[3] Name.

[4] The penalty in the bond.

High Court, Criminal No. 54 (No. XLVIII, Schedule V, Act X, 1882).

Warrant of Commitment of the Surety of an Accused Person admitted to Bail.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

[1] Superintendent *or* keeper.

TO THE [1] OF THE CIVIL JAIL AT

[2] Name and description of surety.

WHEREAS [2]

[3] Name of accused person, and state the condition of the bond.

has bound himself as a surety for the appearance of [3]

[4] Name of accused person.

and the said [4] has therein made default whereby the penalty mentioned in the said bond has been forfeited to Her Majesty the Queen, Empress of India; and whereas the said [5] has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of moveable property of his, and an order has been made for his imprisonment in the civil jail for [6]

[5] Name of surety.

[6] Specify the period.

[7] Superintendent *or* keeper.

This is to authorize and require you, the said [7] to receive the said [5] into your custody with this warrant, and him safely to keep in the said jail for the said [8] and to return this warrant with an endorsement certifying the manner of its execution.

[8] Term of imprisonment.

Given under my hand and the seal of the Court, this

day of 18 .

(*See Chapter I, Rule 7, supra.*)

High Court, Criminal No. 55 (No. XLIX, Schedule V, Act X, 1882).

Notice to the Principal of Forfeiture of a Bond to keep the Peace.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

To [1]

[1] Name, description, and address.

WHEREAS on the day of

18 , you entered into a bond not to commit [2] and proof of the forfeiture of the same has been given before me and duly recorded.

[2] As in the bond.

You are hereby called upon to pay the said penalty for rupees or to show cause before me within days why payment of the same should not be enforced against you.

Dated this day of 18 .

High Court, Criminal No. 56 (No. L, Schedule V, Act X, 1882).

Warrant to attach the Property of the Principal on Breach of a Bond to keep the Peace.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

[1] Name and designation of Police officer.

To [1] AT THE POLICE STATION OF

[2] Name and description.

WHEREAS [2] did, on the day of 18 , enter into a bond for the sum of rupees , binding himself not to commit a breach of the peace [3] and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said [4] calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum.

[3] As in the bond.

[4] Name.

This is to authorize and require you to attach by seizure moveable property belonging to the said [4] the value of rupees which you may find within the district of , and if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realize the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of 18 .

High Court, Criminal No. 57 (No. LI, Schedule V, Act X, 1882).

Warrant of Imprisonment on Breach of a Bond to keep the Peace.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

TO THE [1] OF THE CIVIL JAIL AT

[1] Superintendent *or* keeper

WHEREAS proof has been given before me and duly recorded that [2]

has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ;

[2] Name and description.

and whereas the said [3] has

failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said [3] in the civil jail for the period of [4]

[3] Name.

[4] Term of imprisonment.

This is to authorize and require you, the said [5] of the said civil jail, to receive the said [3] into your custody, together with this warrant, and him safely to keep in the said jail for the said period of [4] and to return this warrant with an endorsement certifying the manner of its execution.

[5] Superintendent *or* keeper.

Given under my hand and the seal of the Court, this

day of 18 .

(*See Chapter I, Rule 7, supra.*)

High Court, Criminal No. 58 (No. LII, Schedule V, Act X, 1882).

Warrant of Attachment and Sale on Forfeiture of Bond for Good Behaviour.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

TO THE POLICE OFFICER IN CHARGE OF THE POLICE STATION AT

[1] Name, description and address.

[2] Name, &c., of the principal.

[3] Name.

WHEREAS [1] did on the day of 18 give security by bond in the sum of rupees for the good behaviour of [2] and proof has been given before me and duly recorded of the commission by the said [3] of the offence of , whereby the said bond has been forfeited; and whereas notice has been given to the said [3] calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum.

This is to authorize and require you to attach by seizure moveable property belonging to the said [3] to the value of rupees which you may find within the district of and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realize the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of 18 .

High Court, Criminal No. 59 (No. LIII, Schedule V, Act X, 1882).

Warrant of Imprisonment on Forfeiture of Bond for Good Behaviour.

(SECTION 514 OF THE CODE OF CRIMINAL PROCEDURE.)

TO THE [1] OF THE CIVIL JAIL AT

[1] Superintendent *or* keeper.

WHEREAS [2] did on the day of 18 give security by bond in the sum of rupees for the good behaviour of [3] and proof of the breach of the said bond has been given before me and duly recorded, whereby the said [4] has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said [4] in the civil jail for the period of [5]

[2] Name, description and address.

[3] Name, &c., of the principal.

[4] Name.

[5] Term of imprisonment.

This is to authorize and require you, the said [6] to receive the said [4] into your custody, together with this warrant, and him safely to keep in the said jail for the said period of [5] ; returning this warrant with an endorsement certifying the manner of its execution.

[6] Superintendent *or* keeper.

Given under my hand and the seal of the Court, this day of 18 .

(*See Chapter I, Rule 7, supra.*)

Appendix B (Miscellaneous Forms).

High Court, Criminal No. 60.

Form for recording Complaint.

THE COMPLAINT OF _____

aged about _____ years, taken on oath *or* solemn affirmation[1]

under the provisions of Act X of 1873, before me _____

_____ Magistrate and Justice of the Peace,

this _____ day of _____ 188 .

My name is _____

My father's name is _____ I am

by caste _____ My home is at Mauza _____

_____ Parganah _____ Zilla _____

I reside at Mauza _____ Parganah _____

_____ where I am _____

[1] Strike out words as may be necessary.

Appendix B (Miscellaneous Forms).

High Court, Criminal No. 61.

Form for recording Deposition.

THE DEPOSITION OF_____

aged about_____years, taken on oath *or*[1] solemn affirmation under the provisions of Act X of 1873, before me_____

_____of_____

this_____day of_____188 .

* Strike out words as may be necessary.

My name is_____

My father's name is_____

I am by caste_____My home is at Mauza_____

_____Parganah_____

Zilla_____I reside at present in Mauza

_____Parganah_____

Zilla_____where I am_____

High Court, Criminal No. 62.[1]

Form of Certificate to be attached to a Complaint or Deposition.

The above was read to the witness in the presence of the

_____in_____

which he understood and by him acknowledged to be correct.

[1] This form is now cancelled: "However salutary the effect might be of requiring a certificate to be recorded at the foot of each deposition, the High Court do not consider that they would be justified in requiring more from officers than the law prescribes. The Code requires no such certificate, and judicial officers will sufficiently satisfy the law by signing depositions recorded by them."—(*H. C. 1132 of 1883.*)

High Court, Criminal No. 63.

Commission to Examine a Witness.

(SECTION 503 OR 506, CODE OF CRIMINAL PROCEDURE.)

In the High Court of

The Queen [on the prosecution of

versus

To [1]

[1] Name and designation of Magistrate or officer to whom the commission is issued.

WHEREAS

now under trial before the Magistrate of and it is necessary for the purposes of such trial to examine the person named in the margin as witness on behalf of

You are hereby appointed Commissioner with authority under the provisions of section [2] of Act X of 1882, to examine and cross-examine the said witness upon the interrogatories hereunto annexed *or* vivâ voce, *or both;* And you are hereby required, at certain days and places to be appointed by you for that purpose, to examine and cross-examine the said witness as aforesaid, upon such oath or affirmation as is by law required to be taken by witnesses; And you are hereby further required to reduce the evidence of the said witness into writing, and to send the same, under your signature, to this Court without delay, together with such documents as may be spoken to by the said witness, marked as exhibits, and the said interrogatories and this writ. 503 *or* 506.

Dated at the day of in the year one thousand eight hundred and

Judge.

High Court, Criminal No. 64.

Fly-leaf for Sessions Record.

Court of Sessions Judge of

Trial No. of the Sessions for 18

Case No. for 18 , of the Magistrates'

calendar for

Committing Officer

Trial held under Act X of 1882.

"	Foreman.
"	
"	
"	Jurors.
"	
"	
"	
"	

The Queen Vrs. No.

No.

No.

No.

No.

No.

Charges.

1st

Appendix B (Miscellaneous Forms).

High Court, Criminal No. 65.

Fly-leaf for Criminal Cases.

মছুকুমা

নং

ফরিয়াদী আসামী

মোং

চূড়ান্ত হুকুমের খোলাসা ও সন তারিখ

Criminal No. 66.

Warrant for the Production of a Prisoner in a Criminal Court to answer a Charge.

(SECTION 3, ACT XV OF 1869.)

Court of

To

THE OFFICER IN CHARGE OF THE

YOU are hereby required to have the body of , now a prisoner in under safe and sure conduct before the at on the day of next by of the clock in the forenoon of the same day, there to answer a charge now pending before and after such charge shall have been disposed of or the said shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail.

Dated this day of

Criminal No. 67.

Warrant for the Production of a Prisoner in a Civil or Criminal Court to give evidence.

(SECTIONS 3 AND 4, ACT XV OF 1869.)

Court of

To

THE OFFICER IN CHARGE OF THE

YOU are hereby required to have the body of

, now a prisoner

in under safe and sure conduct before the

at

on the day of next by

of the clock in the forenoon of the same day, there to give testimony in a now pending before

against

and after the said

shall then and there have given his testimony before the said

or the said

shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail.

Dated this day of

High Court, Criminal No. 68.

Warrant of Commitment for intermediate custody in cases committed to the Sessions.

(SECTION 220 OF THE CODE OF CRIMINAL PROCEDURE.)

To

JAILOR OF

WHEREAS

of

is charged with

and has been committed to take his trial before the Court of

at

You are hereby required to receive the said

into your custody and produce him before the said Court when so required.

Dated

(See Chapter I, Rule 7, supra.)

High Court, Criminal No. 69.

Warrant by Justice of the Peace to Keeper of the House of Correction.

No. .

To

THE KEEPER OF THE HOUSE OF CORRECTION AT CALCUTTA.

RECEIVE into your custody the bod of

herewith sent you, the said

being charged and convicted before me,
Magistrate and one of Her Majesty's Justices of the Peace, acting in and for the Town of in Bengal,
with having on the
day of in the
Year of our Lord, One Thousand, Eight Hundred and

And the said
safely, for the space
of from the of
18 , when you will discharge from
your custody.

GIVEN UNDER MY HAND AND SEAL,
this day of in
the Year of our Lord 18

Justice of the Peace.

(See Chapter I, Rule 7, supra.)

High Court, Criminal No. 71.

Rubakari for sending records to the Sessions Court.

নথী প্রেরণের রোবকারী ।

জেলা আদালত

যেহেতু

আপীল মতে

শ্রীযুক্ত সাহেব

ফরিয়াদী তাঁহার সন তারিখের

বনাম রোবকারী দ্বারা পার্শ্বলিখিত মোকদ্দমার

নথী তলব করিয়াছেন অতএব

আসামী হুকুম হইল যে

এই রোবকারীর এক খণ্ড প্রতিলিপি সম্বলিত উক্ত মোকদ্দমার নথীস্থ সমস্ত কাগজাতের ফিরিস্তী সহ উক্ত নথী

নিকট পাঠান যায় ।

সন১৮

তারিখ মাজিষ্ট্রেট ।

High Court, Criminal No. 72.

Court of Session, Appellate Jurisdiction.

The *188* .

CRIMINAL APPEAL NO. OF 188 .

Appeal from the order of Magistrate

of Dated 18 .

Appellant.

High Court, Criminal No. 73.

No. .

To

THE CIVIL SURGEON,

Dated the *188* .

SIR,

I have the honour to request you will make a *post mortem* examination of the body of

herewith sent to you, and report the result to this office.

I have the honour to be,

SIR,

Your most obedient Servant,

Magistrate.

Magistracy.

High Court, Criminal No. 74.

FROM

THE MAGISTRACY,

TO

THE CIVIL SURGEON OF

The *188* .

SIR,

I shall be obliged by your examining the prisoner herewith sent to you and informing me whether he is in a state of health to receive strokes with a rattan.

I am,

SIR,

Your obedient Servant,

Magistrate.

High Court, Criminal No. 75.

FROM

THE MAGISTRATE OF

TO

THE CIVIL SURGEON OF

Dated *188* .

SIR,

alleged to be an insane, is forwarded for examination. If after examination you think he should be sent to a Lunatic Asylum, you are requested to furnish me with a certificate in the prescribed form at your earliest convenience.

I have the honor to be,

SIR,

Your most obedient Servant,

Magistrate.

High Court, Criminal No. 76.

No.

To

THE CIVIL SURGEON OF

Dated *188* .

SIR,

I have the honor to request that you will attend at the Sessions Court on

the at A.M., to give your evidence in the case of

I have the honor to be,

SIR,

Your most obedient Servant,

High Court, Criminal No. 77.

No.

FROM

MAGISTRATE OF

TO

THE MAGISTRATE OF

Dated *188* .

SIR,

I have the honor to inform you that the has been fixed for the trial of the case noted in the margin, and to request that you will be so good as to send the witnesses to the Sessions Court on that day.

I have the honor to be,

SIR,

Your most obedient Servant,

Magistrate.

High Court, Criminal No. 78.

No.

FROM

THE

TO

THE

Dated the *188* .

SIR,

Under section 422 of the Code of Criminal Procedure, I beg to inform you that the case marginally noted is set down for hearing on the , and also to request that you will give notice thereof to the appellant, intimating to me hereon that you have done so.

Convicted by the
of on the
188 .

I have the honour to be,
Sir,
Your most obedient Servant,

Memo. No. .

Dated the *188* .

FORWARDED in original to the Superintendent of the Jail for compliance and return.

Magistrate.

Memo. No. .

Dated the *188* .

COMMUNICATED to the prisoner and returned.

Superintendent of Jail.

Memo. No.

Dated the *188* .

RETURNED to the Sessions Judge of

Magistrate.

High Court, Criminal No. 79.

No.

FROM

THE SESSION JUDGE OF

TO

THE REGISTRAR OF THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL,

CALCUTTA.

Dated the *188* .

SIR,

Government, *vs.*

I have the honor to forward the Proceedings of this Court and the original Record of Commitment in the case noted in the margin.

I have the honor to be,

SIR,

Your most obedient Servant,

Session Judge.

Appendix B (Miscellaneous Forms).

High Court, Criminal No. 80.

TO THE REGISTRAR OF THE HIGH COURT OF

JUDICATURE, APPELLATE BRANCH.

Fort William,

SIR,

I forward, for the purpose of being laid before the Court, petition of appeal (with copy of the judgment annexed) dated the day of 18 from convicted by the at of an offence under section of on the day of last.

I have the honor to be,

SIR,

The of 18 . Your obedient Servant,

Supdt: of the Jail.

R

High Court, Criminal No. 81.

Petition of Appeal.

OF

convicted and sentenced by the

of on the day of 18 ,

under section of

SHEWETH,

Appendix B (Miscellaneous Forms).

High Court, Criminal No. 82.

Court Inspector's Daily Book of Prisoners to be produced before the Magistrates.

যে সকল কয়েদীকে মাজিষ্ট্রেটের নিকট উপস্থিত করিতে হইবে কোর্ট ইনস্পেক্টরের রক্ষিত তাহাদিগের দৈনিক রেজিষ্টরি বহি।

No. of Warrant. ওয়ারেণ্টের নম্বর।	Name of Prisoner. কয়েদীর নাম।	Initials of Jailor. জেলারের দস্তখতের আদ্যক্ষর।	Initials of Court Inspector. কোর্ট ইন্‌স্পেক্টরের দস্তখতের আদ্যক্ষর।	Order of Magistrate. মাজিষ্ট্রেটের হুকুম।
1	2	3	4	5

Appendix B (Miscellaneous Forms).

High Court, Criminal No. 83.

Return of Processes issued and Fees levied in the Court of the Magistrate of during the month of

1	2	3	4	5	6
District or Sub-division.	Establishment.	Nature of process issued.	Number of processes.	Amount of fees levied.	REMARKS.
	Peons at Rs. 7.	1. Warrant of arrest for one person.			
		Additional person in above.			
		2. Summons for one person or first two in same place.			
		Additional person in above.			
	Charges for boat hire.	3. Proclamations under Section 87, C. Cr. P.			
		4. For witness—Section 87, C. Cr. P.			
		5. Warrant of attachment.			
		Fees to officer in charge.			
	Total outlay.	6. Warrant to levy fine or maintenance.			
		Percentage . .			
		7. Written order, Injunction, Notice.			
		Total .			

Appendix B (Miscellaneous Forms).

High Court, Criminal No. 84.

Names and particulars of persons convicted or discharged by way of Summary Trial in the District of during the month of 188 .

NAMES OF THE ACCUSED. (Where more than one, the first only need be named, but the number of persons should be specified.)	Offence *charged* (by section of Penal Code, &c.)	Alteration of charge, if any, by Magistrate.	Convicted or acquitted.	Sentence, if convicted.	Number of witnesses examined.	Date of decision.	Name of Magistrate or Designation of Bench.	REMARKS.

High Court, Criminal No. 85.

Put up.

SERIAL NO.

_____ DEPARTMENT.

(188) Office.

FROM

No. , dated

Encls. Received

Collection No.	Title
FILE NO.	SUBJECT

Order issued,	No.	, dated
Ditto	No.	, dated
Ditto	No.	, dated

B

Entd. *Copied* *Exd.* *Entd.* *No.* *dated*

High Court, Criminal No. 86.

SERIAL NO.

_____ DEPARTMENT.

(188) Office.

To

No. , dated

Encls. despatched

Collection No.	Title

FILE NO. SUBJECT.

Reply received,	No.	, dated	B.
Ditto	No.	, dated	B.
Ditto	No.	, dated	B.

Entd. *Copied.* *Exd.*

Appendix B (Miscellaneous Forms).

High Court Criminal Forms, No. 70 and Nos. 87 to 149 inclusive, are not reproduced in this appendix, as they are to be found in the preceding pages.

Appendix B (Miscellaneous Forms).

High Court, Criminal No. 150.

Form of Indent.

Indent for Criminal Forms authorized by the High Court from[1]
1st *188* *to 31st* *188*
for *of*

This Form to be carefully filled up by the Indenting officer, specifying the route and mode of carriage by which the forms are to be sent.

N.B.—The letters affixed to the number of the forms in this indent indicate the vernacular languages in which printed, thus:—A Urya, B Bengali, C Hindi.

To the
of
at
Care of
To be forwarded by

1	2	3	4	5	6	7	8	9	10	11
Number by which the Forms will be indicated in future indent.	Description of Forms.	Serial number of Forms as entered in previous forms of indent.	Balance in hand on 1st last year.	Number received during the year.	Consumption of last twelve months.	Number in hand this day.	Quantity now indented for.	Quantity allowed.	Quantity supplied.	Remarks by the Indenting Officer.
1	Summons to an accused person (No. I, Schedule V, Act X of 1882)	25								
1A	Ditto in Urya									
1B	Ditto in Bengali . . .	25B								
1C	Ditto in Hindi . . .	25C								
2	Warrant of arrest (No. II, Schedule V, Act X of 1882) . .	26								
2A	Ditto in Urya									
2B	Ditto in Bengali . . .	26B								
2C	Ditto in Hindi	26C								
3	Bond and bail-bond after arrest under a warrant (No. III, Schedule V, Act X of 1882) . .									
3A	Ditto in Urya									
3B	Ditto in Bengali . . .									
3C	Ditto in Hindi . . .									

[1] See Rule 43 (*a*), Chapter VI, *supra*.

Appendix B (Miscellaneous Forms).

1	2	3	4	5	6	7	8	9	10	11
Number by which the Forms will be indicated in future indent.	Description of Forms.	Serial number of Forms as entered in previous forms of indent.	Balance in hand on 1st last year.	Number received during the year.	Consumption of last twelve months.	Number in hand this day.	Quantity now indented for.	Quantity allowed.	Quantity supplied.	Remarks by the Indenting Officer.
4	Proclamation requiring the appearance of a person accused (No. IV, Schedule V, Act X of 1882) .									
4A	Ditto in Urya									
4B	Ditto in Bengali . . .									
4C	Ditto in Hindi									
5	Proclamation requiring the attendance of a witness (No. V, Schedule V, Act X of 1882) . .									
5A	Ditto in Urya									
5B	Ditto in Bengali . . .									
5C	Ditto in Hindi . . .									
6	Order of attachment to compel the attendance of a witness (No. VI, Schedule V, Act X of 1882) .									
6A	Ditto in Urya									
6B	Ditto in Bengali . . .									
6C	Ditto in Hindi . . .									
7	Order of attachment to compel the appearance of a person accused (No. VI, Schedule V, Act X of 1882)									
7A	Ditto in Urya									
7B	Ditto in Bengali . . .									
7C	Ditto in Hindi									
8	Order authorizing an attachment by the Deputy Commissioner as Collector (No. VI, Schedule V, Act X of 1882)									
8A	Ditto in Urya									
8B	Ditto in Bengali . . .									
8C	Ditto in Hindi									
9	Warrant in the first instance to bring up a witness (No. VII, Schedule V, Act X of 1882) .									
9A	Ditto in Urya									
9B	Ditto in Bengali . . .									
9C	Ditto in Hindi . . .									
10	Warrant to search after information of a particular offence (No. VIII, Schedule V, Act X of 1882)									
10A	Ditto in Urya									
10B	Ditto in Bengali . . .									
10C	Ditto in Hindi									
11	Warrant to search suspected place of deposit (No. IX, Schedule V, Act X of 1882)	32								
11A	Ditto in Urya									
1B	Ditto in Bengali . . .	32B								
11C	Ditto in Hindi	32C								

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Number by which the Forms will be indicated in future indent.	Description of Forms.	Serial number of Forms as entered in previous forms of indent.	Balance in hand on 1st last year.	Number received during the year.	Consumption of last twelve months.	Number in hand this day.	Quantity now indented for.	Quantity allowed.	Quantity supplied.	Remarks by the Indenting Officer
12	Bond to keep the peace (No. X, Schedule V, Act X of 1882) .	41								
12A	Ditto in Urya									
12B	Ditto in Bengali . . .	41B								
12C	Ditto in Hindi	41C								
13	Bond for good behaviour (No. XI, Schedule V, Act X of 1882)	42								
13A	Ditto in Urya . . .									
13B	Ditto in Bengali . . .	42B								
13C	Ditto in Hindi . . .	42C								
14	Summons on information of a probable breach of the peace (No. XII, Schedule V, Act X of 1882)									
14A	Ditto in Urya . . .									
14B	Ditto in Bengali . . .									
14C	Ditto in Hindi									
15	Warrant of commitment on failure to find security to keep the peace (No. XIII, Schedule V, Act X of 1882)									
15A	Ditto in Urya . . .									
15B	Ditto in Bengali . . .									
15C	Ditto in Hindi									
16	Warrant of commitment on failure to find security for good behaviour (No. XIV, Schedule V, Act X of 1882)									
16A	Ditto in Urya . . .									
16B	Ditto in Bengali . . .									
16C	Ditto in Hindi									
17	Warrant to discharge a person imprisoned on failure to give security (No. XV, Schedule V, Act X of 1882)									
17A	Ditto in Urya . . .									
17B	Ditto in Bengali . . .									
17C	Ditto in Hindi . . .									
18	Order for the removal of nuisances (No. XVI, Schedule V, Act X of 1882)									
18A	Ditto in Urya . . .									
18B	Ditto in Bengali . . .									
18C	Ditto in Hindi . . .									
19	Magistrate's order constituting a jury (No. XVII, Schedule V, Act of X 1882)									
19A	Ditto in Urya . . .									
19B	Ditto in Bengali . . .									
19C	Ditto in Hindi . . .									

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20	Magistrate's notice and peremptory order after the finding by a jury (No. XVIII, Schedule V, Act X 1882)									
20A	Ditto in Urya . . .									
20B	Ditto in Bengali . . .									
20C	Ditto in Hindi . . .									
21	Injunction to provide against imminent danger pending inquiry by jury (No. XIX, Schedule V, Act X of 1882)									
21A	Ditto in Urya . . .									
21B	Ditto in Bengali . . .									
21C	Ditto in Hindi . . .									
22	Magistrate's order prohibiting the repetition, &c., of a nuisance (No. XX, Schedule V, Act X of 1882)									
22A	Ditto in Urya . . .									
22B	Ditto in Bengali . . .									
22C	Ditto in Hindi . . .									
23	Magistrate's order to prevent obstruction, riot, &c. (No. XXI, Schedule V, Act X of 1882) .									
23A	Ditto in Urya . . .									
23B	Ditto in Bengali . . .									
23C	Ditto in Hindi . . .									
24	Magistrate's order declaring party entitled to retain possession of land, &c., in dispute (No. XXII, Schedule V, Act X of 1882) .									
24A	Ditto in Urya . . .									
24B	Ditto in Bengali . . .									
24C	Ditto in Hindi . . .									
25	Warrant of attachment in the case of a dispute as to the possession of land, &c. (No. XXIII, Schedule V, Act X of 1882) . . .									
25A	Ditto in Urya . . .									
25B	Ditto in Bengali . . .									
25C	Ditto in Hindi . . .									
26	Magistrate's order prohibiting the doing of anything on land or water (No. XXIV, Schedule V, Act X of 1882) . . .									
26A	Ditto in Urya . . .									
26B	Ditto in Bengali . . .									
26C	Ditto in Hindi . . .									

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27	Bond or bail-bond on a preliminary inquiry before a Police Officer (No. XXV, Schedule V, Act X of 1882)									
27 A	Ditto in Urya . . .									
27 B	Ditto in Bengali . . .									
27 C	Ditto in Hindi . . .									
28	Bond to prosecute or give evidence (No. XXVI, Schedule V, Act X of 1882)	30								
28 A	Ditto in Urya . . .									
28 B	Ditto in Bengali . . .	30 B								
28 C	Ditto in Hindi . . .	30 C								
29	Notice of commitment by Magistrate to Government Pleader (No. XXVII, Schedule V, Act X of 1882)									
29 A	Ditto in Urya . . .									
29 B	Ditto in Bengali . . .									
29 C	Ditto in Hindi . . .									
30	Charge with one had (No. XXVIII (i), Schedule V Act X of 1882) .	6								
30 A	Ditto in Urya . . .	6 A								
30 B	Ditto in Bengali . . .	6 B								
30 C	Ditto in Hindi . . .	6 C								
31	Charges with two heads (No. XXVIII (ii), Schedule V, Act X of 1882)	7								
31 A	Ditto in Urya . . .	7 A								
31 B	Ditto in Bengali . . .	7 B								
31 C	Ditto in Hindi . . .	7 C								
32	Charges with three heads (No. XXVII (ii), Schedule V, Act X of 1882)	8								
32 A	Ditto in Urya . . .									
32 B	Ditto in Bengali . . .	8 B								
32 C	Ditto in Hindi . . .	8 C								
33	Charges with four heads (No. XXVIII (ii), Schedule V, Act X of 1882)	9								
33 A	Ditto in Urya . . .									
33 B	Ditto in Bengali . . .	9 B								
33 C	Ditto in Hindi . . .	9 C								
34	Charge for theft after a previous conviction (No. XXVIII (iii), Schedule V, Act X of 1882) .									
34 A	Ditto in Urya . . .									
34 B	Ditto in Bengali . . .									
34 C	Ditto in Hindi . . .									

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35	Warrant of commitment on a sentence of imprisonment or fine passed by a Magistrate (No. XXIX, Schedule V, Act X of 1882)	35, 38								
35A	Ditto in Uriya	35A								
35B	Ditto in Bengali									
35C	Ditto in Hindi	35C								
36	Warrant of imprisonment on failure to recover by distress (No. XXX, Schedule V, Act X of 1882)									
36A	Ditto in Urya									
36B	Ditto in Bengali									
36C	Ditto in Hindi									
37	Summons to a witness (No. XXXI, Schedule V, Act X of 1882)	27								
37A	Ditto in Urya									
37B	Ditto in Bengali	28B, 43B								
37C	Ditto in Hindi	28C, 43C								
38	Precept to District Magistrate to summon Jurors and Assessors (No. XXXII, Schedule V, Act X of 1882)	12								
39	Summons to Assessor or Juror (No. XXXIII, Schedule V, Act X of 1882)	28								
39A	Ditto in Urya									
39B	Ditto in Bengali	28B								
39C	Ditto in Hindi	28C								
40	Warrant of commitment under sentence of death (No. XXXIV, Schedule V, Act X of 1882)									
41	Warrant of execution on a sentence of death (No. XXXV, Schedule V, Act X of 1882)	40								
42	Warrant after a commutation of a sentence (No. XXXVI, Schedule V, Act X of 1882)	39								
43	Warrant to levy a fine by distress or sale (No. XXXVII, Schedule V, Act X of 1882)	44								
43A	Ditto in Urya									
43B	Ditto in Bengali	37B								
44B	Ditto in Hindi	37C								

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44	Warrant of commitment in certain cases of contempt when a fine is imposed (No. XXXVIII, Schedule V, Act X of 1882)									
44A	Ditto in Urya									
44B	Ditto in Bengali									
44C	Ditto in Hindi									
45	Magistrate's or Judge's warrant of commitment of witness refusing to answer (No. XXXIX, Schedule V, Act X of 1882)									
45A	Ditto in Urya									
45B	Ditto in Bengali									
45C	Ditto in Hindi									
46	Warrant of imprisonment on failure to pay maintenance (No. XL, Schedule V, Act X of 1882)									
46A	Ditto in Urya									
46B	Ditto in Bengali									
46C	Ditto in Hindi									
47	Warrant to enforce the payment of maintenance by distress and sale (No. XLI, Schedule V, Act X of 1882)									
47A	Ditto in Urya									
47B	Ditto in Bengali									
47C	Ditto in Hindi									
48	Bond and bail-bond on a preliminary inquiry before a Magistrate (No. XLII, Schedule V, Act X of 1882)	29								
48A	Ditto in Urya	29B								
48B	Ditto in Bengali	29C								
48C	Ditto in Hindi									
49	Warrant to discharge a person imprisoned on failure to give security (No. XLIII, Schedule V, Act X of 1882)	31								
49A	Ditto in Urya									
49B	Ditto in Bengali									
49C	Ditto in Hindi									
50	Warrant of attachment to enforce a bond (No. XLIV, Schedule V, Act X of 1882)									
50A	Ditto in Urya									
50B	Ditto in Bengali									
50C	Ditto in Hindi									

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51	Notice to surety on breach of a bond (No. XLV, Schedule V, Act X of 1882)									
51A	Ditto in Urya . . .									
51B	Ditto in Bengali . . .									
51C	Ditto in Hindi . . .									
52	Notice to surety of forfeiture of bond for good behaviour (No. XLVI, Schedule V, Act X of 1882)									
52A	Ditto in Urya . . .									
52B	Ditto in Bengali . . .									
52C	Ditto in Hindi . . .									
53	Warrant of attachment against a surety (No. XLVII, Schedule V, Act X of 1882)									
53A	Ditto in Urya . . .									
53B	Ditto in Bengali . . .									
53C	Ditto in Hindi . . .									
54	Warrant of commitment of the surety of an accused person admitted to bail (No. XLVIII, Schedule V, Act X of 1882) . .									
54A	Ditto in Urya . . .									
54B	Ditto in Bengali . . .									
54C	Ditto in Hindi . . .									
55	Notice to the principal of forfeiture of a bond to keep the peace (No. XLIX, Schedule V, Act X of 1882)									
55A	Ditto in Urya . . .									
55B	Ditto in Bengali . . .									
55C	Ditto in Hindi . . .									
56	Warrant to attach the property of the principal on breach of a bond to keep the peace (No. L, Schedule V, Act X of 1882) . .									
56A	Ditto in Urya . . .									
56B	Ditto in Bengali . . .									
56C	Ditto in Hindi . . .									
57	Warrant of imprisonment on breach of a bond to keep the peace (No. LI, Schedule V, Act X of 1882) .									
57A	Ditto in Urya . . .									
57B	Ditto in Bengali . . .									
57C	Ditto in Hindi . . .									
58	Warrant of attachment and sale on forfeiture of bond for good behaviour (No. LII, Schedule V, Act X of 1882)									
58A	Ditto in Urya . . .									
58B	Ditto in Bengali . . .									
58C	Ditto in Hindi . . .									

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59	Warrant of imprisonment on forfeiture of bond for good behaviour (No. LIII, Schedule V, Act X of 1882)									
59A	Ditto in Urya . . .									
59B	Ditto in Bengali . . .									
59C	Ditto in Hindi . . .									
60	Form of complaint . . .	2								
60A	Ditto in Urya . . .	2A								
60B	Ditto in Bengali . . .	2B								
60C	Ditto in Hindi	2C								
61	Form of deposition (half-sheet) .	3								
61A	Ditto in Urya . . .	3A								
61B	Ditto in Bengali . . .	3B								
61C	Ditto in Hindi	3C								
62										
63	Commission to examine a witness .	10								
64	Heading of Sessions trials . .	11								
65A	Fly-leaf for criminal cases in Urya	13A								
65B	Ditto in Bengali . . .	13B								
65C	Ditto in Hindi	13C								
66	Warrant for the production of a prisoner in a Criminal Court to answer a charge (Section 3, Act XV of 1869)	23								
67	Warrant for the production of a prisoner in a Civil or Criminal Court to give evidence (Sections 3 and 4, Act XV of 1869) . .	24								
68	Form of warrant of commitment for immediate custody in cases committed to the Sessions . .	33								
68A	Ditto in Urya . . .	33A								
68B	Ditto in Bengali . . .	33B								
68C	Ditto in Hindi	33C								
69	Warrant by Justice of the Peace to Keeper of the House of Correction	36								
70	Register of applications for copies (Circular Order No. 35, dated 1st October 1880) (same as Civil Miscellaneous No. 56) . .	70								
70A	Ditto in Urya . . .	70A								
70B	Ditto in Bengali . . .	70B								
70C	Ditto in Hindi	70C								

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71A	Rubacari for sending records to Sessions Court in Urya . .	45A								
71B	Ditto in Bengali . . .	45B								
71C	Ditto in Hindi	45C								
72	Heading of appellate decision .	49								
73	Letter to Civil Surgeon to hold *post mortem* examination . .	51								
74	Letter to Civil Surgeon to examine whether a prisoner is fit for stripes	52								
75	Letter to Civil Surgeon to examine as to the state of person alleged to be insane	53								
76	Summons to Civil Surgeon to give evidence	54								
77	Letter to Deputy Magistrate intimating the dates on which witnesses should be sent to the Sessions	56								
78	Form of notice of hearing under section 279, Act X of 1872 . .	58								
79	Letter transmitting record in the case of prisoners who have appealed to the High Court . .	59								
80	Letter from Superintendent of Jail forwarding petition of appeal to the High Court	61								
81	Petition of appeal	62								
81B	Ditto in Bengal . . .	62B								
81C	Ditto in Hindi . . .	62C								
82A	Court Inspector's daily book of prisoners in English-Urya .	77A								
82B	Ditto in English-Bengali .	77B								
82B	Ditto in English-Hindi .	77C								
83	Return of process issued and fees levied by the Magistrate's Court (Court's letter No. 1225, dated 25th May 1875, to Superintendent)	105								
84	Monthly statement showing names and particulars of persons convicted or discharged by way of summary trials	109								
85	Docket form of letters received .	125								
86	Docket form of letters issued .	126								
87	Form to be attached to all warrants of commitment to Jail (Rule No. 7 of 15th June 1881) . .	46								
87B	Ditto in Bengali . .	46B								
87C	Ditto in Hindi . . .	46C								

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88	Register of cases decided in Criminal Courts	73								
88A	Ditto in Urya . . .	73A								
88B	Ditto in Bengali . .	73B								
88C	Ditto in Hindi . . .	73C								
89	Ledger showing under each head of crime the number of persons acquitted or discharged and convicted	72								
89A	Ditto in Urya . . .	72A								
89B	Ditto in Bengali . .	72B								
89C	Ditto in Hindi . . .	72C								
90	Ledger showing under each head of crime the number of offences reported, of cases struck off as false, and of cases brought to trial	71								
90A	Ditto in Urya . . .	71A								
90B	Ditto in Bengali . .	71B								
90C	Ditto in Hindi . . .	71C								
91	Statement of accused person (section 164, Criminal Procedure Code)	5 (c)								
91A	Ditto in Urya . . .	5 (c)A								
91B	Ditto in Bengali . . .	5 (c)B								
91C	Ditto in Hindi	5 (c)C								
92	Letter to Civil Surgeon to examine wounded person . . .	50								
93	Warrant for intermediate custody (Rule No. 5, dated 10th June 188)	22								
93B	Ditto in Bengali . . .	22B								
93C	Ditto in Hindi . . .	22C								
94	Examination of accused person (section 364, Criminal Procedure Code)	5 (a) and 5 (b)								
94A	Ditto in Urya	5(a) A and 5 (b)A								
94B	Ditto in Bengali . . .	5 (a)B and 5 (b)B								
94C	Ditto in Hindi	5 (a)C and 5 (b)C								
95	Warrant of release of prisoner acquitted on appeal . . .	48								
96	Order by the Sessions Judge for the release of a prisoner on bail (sections 426 and 438, Criminal Procedure Code) . . .	47								

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97	Order of detention of juvenile offenders in Reformatory Schools (Circular Order No. 6, dated 29th June 1878)	14								
98A	Register of appeals in English-Urya	78 A								
98B	Ditto in English-Bengali . .	78 B								
98C	Ditto in English-Hindi . .	78 C								
99A	Register of criminal complaints in English-Urya	75 A								
99B	Ditto in English-Bengali .	75 B								
99C	Ditto in English-Hindi . .	75 C								
100A	Register of all cases instituted in English-Urya	69 A								
100B	Ditto in English-Bengali .	69 B								
102C	Ditto in English-Hindi . .	69 C								
101A	Register of convictions (Circular Order No. 5 of 5th July 1865) in English-Urya . . .	82 A								
101B	Ditto in English-Bengali .	82 B								
101C	Ditto in English-Hindi . .	82 C								
102	Form of certificate of having inspected the Register of convictions (Circular Order No. 10 of 3rd September 1878) . . .	102								
103	Daily Register of Court fees realized	83								
104	Detailed daily Register of Court fees realized (Rule No. 10 of 8th September 1881) . . .	83 (a)								
105	Register of enrolled Pleaders and Mokhtyars (same as Civil Miscellaneous Form No. 55).									
106A	Record-keeper's Register (Circular Order No. 4 of 25th February 1873) in English-Urya . .	79 A								
106A	Ditto in English-Bengali .	79 B								
106C	Ditto in English-Hindi . .	79 C								
107A	Register of references from other Districts (Circular Order No. 4 of 25th February 1873) in English-Urya	80 A								
107B	Ditto in English-Bengali .	80 B								
107C	Ditto in English-Hindi . .	80 C								
108A	Register of miscellaneous matter (Circular Order No. 4 of 25th February 1873) in English-Urya	81 A								
108B	Ditto in English-Bengali .	81 B								
108C	Ditto in English-Hindi . .	81 C								

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109A	Register of warrants of imprisonment (Circular Order No. 1, dated 11th January 1871) in English-Urya	76A								
109B	Ditto in Bengali . .	76B								
109C	Ditto in English-Hindi .	76C								
110	Register of the attendance of witnesses (Circular Order No. 14, dated 7th April 1879) . .	74								
110A	Ditto in Urya . .	74A								
110B	Ditto in Bengali . .	74B								
110C	Ditto in Hindi . .	74C								
111	Report of commitment from Magistrate to the Sessions Judge .	55								
112	Notice of appeal from officer in charge of Jail to the Sessions Judge	57								
113	Form of memorandum for communicating to prisoners the result of their appeals	60								
114	Warrant to be sent with European British subjects committed to the High Court for trial (Circular Order No. 8 of 6th August 1866).									
115	Warrant to Police officer in charge of a European British subject committed to the High Court for trial	34								
116	Register of Intestate Property (see section 7, Regulation V of 1799, Circular Order No. 151 of 24th November 1843) . . .									
117	Form of application for information (Circular Order No. 18, dated 23rd June 1870). (Same as Civil Miscellaneous No. 187) .	117								
117A	Ditto in Urya . . .	117A								
117B	Ditto in Bengali . .	117B								
117C	Ditto in Hindi . . .	117C								
118	Form of application for copies (Circular Order No. 18, dated 23rd June 1870). (Same as Civil Miscellaneous No. 188) . .	118								
118A	Ditto in Urya . . .	118A								
118B	Ditto in Bengali . .	118B								
118C	Ditto in Hindi . . .	118C								
119	List of papers in Criminal Records (Circular Order No. 3, dated 21st June 1879) . . .	1								
119A	Ditto in Urya . . .	1A								
119B	Ditto in Bengali . .	1B								
119C	Ditto in Hindi . . .	1C								

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GOVERNMENT STATIONERY OFFICE.

FROM

MEMO.

Register No.

Date

Receipt No.

When supplied

When advised

MEMO. No.

THE undersigned begs to advise despatch on the _____ of _____ by _____ containing the forms entered in column 13, and to request that you will be good enough to fill up and sign the form of receipt herewith given, and return it at an early date.

Asst. Supdt., Govt. Stationery Office,

Form Store Dept.

The *188* .

To

THE

RECEIPT No.

I HEREBY certify that I have received the forms entered within in column 19 in case in good condition. The boxes were opened and the forms examined in my presence.

The *188* .

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[Forms Nos. 151 to 159 inclusive are merely forms of official envelopes, and are not reproduced.]

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(CRIMINAL.)

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